
A BILL FOR AN ACT

RELATING TO MANTA RAYS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 188, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§188- Manta rays, taking prohibited; penalties. (a)

5 It is unlawful for any person to knowingly fish for, kill, take,
6 or attempt to fish for, kill, or take by any means whatsoever,
7 from any of the waters within the jurisdiction of the State, a
8 manta ray.

9 (b) Any person violating this section or any rule adopted
10 pursuant thereto is guilty of a misdemeanor and shall be fined
11 not less than:

12 (1) \$500 for a first offense;

13 (2) \$2,000 for a second offense; and

14 (3) \$10,000 for a third or subsequent offense.

15 (c) In addition to any other penalty imposed under this
16 section, a person violating this section shall be subject to:



1 (1) An administrative fine of not more than \$10,000 for
2 each manta ray captured, killed, or taken in violation
3 of this section;

4 (2) Seizure and forfeiture of manta rays, commercial
5 marine license, vessel, and fishing equipment; and

6 (3) Assessment of administrative fines and costs, and
7 attorney's fees and costs.

8 (d) The criminal penalties and administrative fines and
9 costs shall be assessed per manta ray captured, killed, or taken
10 in violation of this section."

11 SECTION 2. Section 188-70, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§188-70 Penalties.** (a) Any person violating any
14 provision of this chapter, excepting [~~section 188-23,~~] sections
15 188-23 and 188- , or any rule adopted pursuant thereto, is
16 guilty of a petty misdemeanor and, in addition to any other
17 penalties, shall be fined not less than:

18 (1) \$100 for a first offense;

19 (2) \$200 for a second offense; and

20 (3) \$500 for a third or subsequent offense.

21 (b) Any person violating section 188-23, is guilty of a
22 class C felony and shall be sentenced pursuant to chapter 706;



1 provided that the court, in addition to any term of imprisonment
2 or any other terms and conditions of probation, shall order the
3 defendant to pay a fine of not less than \$1,000.

4 Notwithstanding section 706-669 and any other law to the
5 contrary, any person in violation of subsection (b), as a first
6 offense, shall be sentenced to a mandatory minimum period of
7 imprisonment without possibility of parole for thirty days.

8 Repeat offenders shall be sentenced pursuant to chapter 706.

9 (c) The fines specified in this section shall not be
10 suspended or waived."

11 SECTION 3. The department of land and natural resources
12 shall establish manta ray habitat areas and management plans
13 through administrative rules adopted pursuant to chapter 91,
14 Hawaii Revised Statutes, for the purpose of protecting and
15 promoting the propagation of manta rays. The department shall
16 submit a report on its action plan to establish manta ray
17 habitat areas and management plans, including funding
18 requirements to the legislature not later than twenty days prior
19 to the convening of the regular sessions of 2010 and 2011.

20 SECTION 4. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so much



1 thereof as may be necessary for fiscal year 2009-2010 for the
2 establishment of manta ray habitat areas and management plans.

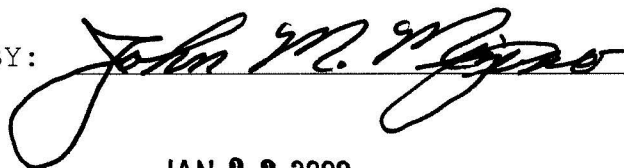
3 The sum appropriated shall be expended by the department of
4 land and natural resources for the purposes of this Act.

5 SECTION 5. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 6. This Act shall take effect on July 1, 2009.

8

INTRODUCED BY:



JAN 23 2009



Report Title:

Manta Ray; Protection

Description:

Makes it illegal to knowingly fish for, kill, or take, or attempt to fish for, kill, or take by any means whatsoever, a manta ray within state waters. Requires DLNR to establish manta ray habitat areas and management plans to protect and promote manta ray propagation. Appropriates funds.

