

JAN 23 2009

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# A BILL FOR AN ACT

RELATING TO MANTA RAYS.

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

1           SECTION 1. The legislature finds that manta rays are a  
2 threatened species from poaching and commercial fishing. In  
3 2005, a bill to prohibit the killing of manta rays was  
4 introduced but not heard by the legislature. In 2006, the state  
5 house of representatives adopted H.R. No. 30, H.D. 1, which  
6 established a working group to protect the batoidea order  
7 including manta rays. Despite these earlier efforts,  
8 legislation is needed to effectively protect manta rays.

9           The purpose of this Act is to establish fines and penalties  
10 for knowingly killing or capturing manta rays.

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

14           "§188-       Manta rays, prohibitions; penalties and fines.

15           (a) No person shall knowingly capture or kill a manta ray  
16 within state marine waters.

17           (b) Any person violating this section or any rule adopted  
18 thereunder shall be guilty of a misdemeanor and shall be fined:



- 1        (1) \$500 for a first offense;
- 2        (2) \$2,000 for a second offense; and
- 3        (3) \$10,000 for a third subsequent offense.
- 4        (c) In addition to any other penalty imposed under this

5 section, a person violating this section shall be subject to:

- 6        (1) An administrative fine of not more than \$10,000 for
- 7        each manta ray captured or killed in violation of this
- 8        section;

- 9        (2) Seizure and forfeiture of manta rays, commercial
- 10       marine license, vessel, and fishing equipment; and

- 11       (3) Assessment of administrative fees and costs,
- 12       attorney's fees and costs.

- 13       (d) The criminal penalties and administrative fines and
- 14       costs shall be assessed per manta ray captured or killed in
- 15       violation of this section."

16       SECTION 3. Section 188-70, Hawaii Revised Statutes, is  
17 amended by amending subsection (a) to read as follows:

18       "(a) Any person violating any provision of this chapter,  
19 ~~[excepting section 188-23,]~~ except sections 118-23 and 188- ,  
20 or any rule adopted pursuant thereto, is guilty of a petty  
21 misdemeanor and, in addition to any other penalties, shall be  
22 fined not less than:

- 1 (1) \$100 for a first offense;
- 2 (2) \$200 for a second offense; and
- 3 (3) \$500 for a third or subsequent offense."

4 SECTION 4. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: Josh Greening  
Mike Hubbard



**Report Title:**

Manta Rays; Poaching and Commercial Fishing Prohibited

**Description:**

Creates administrative penalties for any person who knowingly captures or kills a manta ray within state marine waters.

