



GOV. MSG. NO. 1246

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 21, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

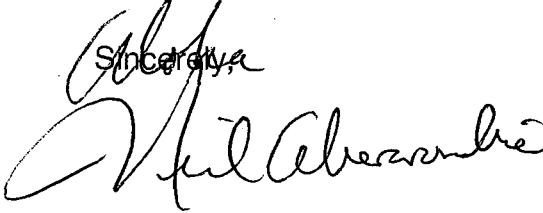
The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on June 21, 2012, the following bill was signed into law:

SB3001 SD2 HD2 CD1

RELATING TO WILDLIFE.
Act 144 (12)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

JUN 21 2012

On _____

THE SENATE
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

ACT 144

S.B. NO. 3001
S.D. 2
H.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO WILDLIFE.

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

1 SECTION 1. The purpose of this Act is to prohibit the
2 interisland transportation of wild or feral deer.

3 SECTION 2. Chapter 183D, Hawaii Revised Statutes, is
4 amended by adding a new section to part IV to be appropriately
5 designated and to read as follows:

6 "§183D- Interisland transportation and possession of
7 wild or feral deer prohibited. No person shall intentionally,
8 knowingly, or recklessly possess, transfer, transport, or
9 release after transport through interisland movement any live
10 wild or feral deer unless permitted by the department or other
11 department of the State."

12 SECTION 3. Section 183D-1, Hawaii Revised Statutes, is
13 amended by adding three new definitions to be appropriately
14 inserted and to read as follows:

15 "Feral deer" means a deer that has escaped or been
16 released from domestication and is living in a wild and
17 unconfined state.



1 "Possess" means to place under direct physical control,
2 restraint, or confinement.

3 "Release" means to free an animal from effective
4 confinement or restraint."

5 SECTION 4. Section 183D-5, Hawaii Revised Statutes, is
6 amended to read as follows:

7 **"§183D-5 Penalties.** (a) Any person violating section
8 183D-21, 183D-25, 183D-33, or 183D-63 or any rule adopted under
9 this chapter shall be guilty of a petty misdemeanor, and upon
10 conviction thereof, shall be punished as follows:

11 (1) For a first conviction, by a mandatory fine of not
12 less than \$100, or imprisonment of not more than
13 thirty days, or both;

14 (2) For a second conviction within five years of a
15 previous conviction, by a mandatory fine of not less
16 than \$500, or by imprisonment of not more than thirty
17 days, or both, and all firearms used in the commission
18 of [~~such~~] the violations shall be considered
19 contraband to be forfeited to and disposed of by the
20 State; and

21 (3) For a third or subsequent conviction within five years
22 of the first two or more convictions, by a mandatory



1 fine of not less than \$1,000, or by imprisonment of
2 not more than thirty days, or both, and all firearms
3 used in the commission of [~~such~~] the violations shall
4 be considered contraband to be forfeited to and
5 disposed of by the State.

6 (b) Any person violating section 183D-25.5, 183D-26,
7 183D-27, 183D-32, 183D-62, or 183D-64 shall be guilty of a
8 misdemeanor, and upon conviction thereof, shall be punished as
9 follows:

10 (1) For a first conviction by a mandatory fine of not less
11 than \$200, or by imprisonment of not more than one
12 year, or both;

13 (2) For a second conviction within five years of a
14 previous conviction, by a mandatory fine of not less
15 than \$1,000, or by imprisonment of not more than one
16 year, or both, and all firearms used in the commission
17 of [~~such~~] the violations shall be considered
18 contraband to be forfeited to and disposed of by the
19 State; and

20 (3) For a third or subsequent conviction within five years
21 of the first two or more convictions, by a mandatory
22 fine of not less than \$2,000, or by imprisonment of



1 not more than one year, or both, and all firearms used
2 in the commission of [~~such~~] the violations shall be
3 considered contraband to be forfeited to and disposed
4 of by the State.

5 (c) Any person who violates section 183D- shall be
6 guilty of a misdemeanor, and upon conviction thereof, shall be
7 punished as follows:

8 (1) For a first conviction, by a mandatory fine of not
9 less than \$10,000 and payment of any costs incurred in
10 the eradication of any deer and the deer's progeny
11 that has been possessed, transferred, transported, or
12 released after transport, or by imprisonment of not
13 more than one year, or both;

14 (2) For a second conviction within five years of a
15 previous conviction, by a mandatory fine of not less
16 than \$15,000 and payment of any costs incurred in the
17 eradication of any deer and the deer's progeny that
18 has been possessed, transferred, transported, or
19 released after transport, or by imprisonment of not
20 more than one year, or both; and

21 (3) For a third or subsequent conviction within five years
22 of the first two or more convictions, by a mandatory



1 fine of not less than \$25,000 and payment of any costs
2 incurred in the eradication of any deer and the deer's
3 progeny that has been possessed, transferred,
4 transported, or released after transport, or by
5 imprisonment of not more than one year, or both.

6 ~~[(e)]~~ (d) Any person who violates section 183D-35,
7 183D-36, 183D-37, 183D-38, 183D-39, 183D-40, or 183D-42 shall be
8 guilty of a petty misdemeanor, and upon conviction thereof,
9 shall be fined not less than \$100 or imprisoned not more than
10 thirty days, or both.

11 ~~[(d)]~~ (e) In addition to any other penalty imposed under
12 this section, a mandatory fine of \$100 shall be levied for each
13 bird illegally taken under this chapter and a mandatory fine of
14 \$500 shall be levied for each mammal illegally taken under this
15 chapter.

16 ~~[(e)]~~ (f) Any person who is convicted of violating any of
17 the game laws of the State shall immediately have ~~[their]~~ the
18 person's hunting license forfeited and any person convicted for
19 a second offense shall not be granted a license to hunt for a
20 period of three years after the date of the second conviction.

21 ~~[(f)]~~ (g) The court, in lieu of the actual cash payment of
22 any mandatory fine, may allow the defendant to perform ~~[such]~~



1 the community service as directed by the department of land and
2 natural resources at the rate of one hour of service for every
3 \$10 of mandatory fine imposed.

4 ~~(g)~~ (h) Any criminal action against a person for any
5 violation of this chapter shall not be deemed to preclude the
6 State from pursuing civil legal action to recover administrative
7 fines and costs against that person. Any civil legal action
8 against a person to recover administrative fines and costs for
9 any violation of subtitle 4 of title 12 or any rule adopted
10 thereunder shall not be deemed to preclude the State from
11 pursuing any criminal action against that person."

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

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

APPROVED this 21 day of JUN, 2012



GOVERNOR OF THE STATE OF HAWAII