
A BILL FOR AN ACT

RELATING TO AQUARIUM FISH.

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

1 SECTION 1. The legislature finds that the current
2 assessments for violations of permits for the taking of aquarium
3 fish are not adequate to deter illegal fishing. Currently,
4 violations are assessed based upon the number of species of fish
5 unlawfully taken, regardless of the number of actual fish taken
6 unlawfully.

7 The purpose of this Act is to specify that a violation
8 shall be charged for each individual fish unlawfully obtained.

9 SECTION 2. Section 188-31, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§188-31 Permits to take aquatic life for aquarium**
12 **purposes.** (a) Except as prohibited by law, the department,
13 upon receipt of a written application, may issue an aquarium
14 fish permit, not longer than one year in duration, to use fine
15 meshed traps, or fine meshed nets other than throw nets, for the
16 taking of marine or freshwater nongame fish and other aquatic
17 life for aquarium purposes.



1 (b) Except as prohibited by law, the permits shall be
2 issued only to persons who can satisfy the department that they
3 possess facilities to and can maintain fish and other aquatic
4 life alive and in reasonable health.

5 (c) It shall be illegal to sell or offer for sale any fish
6 and other aquatic life taken under an aquarium fish permit
7 unless those fish and other aquatic life are sold alive for
8 aquarium purposes.

9 The department may adopt rules pursuant to chapter 91 for
10 the purpose of this section.

11 (d) Any fines or penalties adopted by rule to comply with
12 subsection (c) shall apply to the taking of each saltwater fish,
13 freshwater non-game fish, or any specimen of aquatic life
14 without an aquarium fish permit.

15 [~~d~~] (e) For the purposes of this section:

16 (1) "Aquarium purposes" means to hold salt water fish,
17 freshwater nongame fish, or other aquatic life alive
18 in a state of captivity as pets, for scientific study,
19 or for public exhibition or display, or for sale for
20 these purposes; and

21 (2) "Aquarium fish permit" means a permit issued by the
22 board for the use of fine mesh nets and traps to take



1 salt water fish, freshwater nongame fish, or other
2 aquatic life for aquarium purposes."


3 SECTION 3. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

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

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

9

INTRODUCED BY:


JAN 19 2012



H.B. NO. 2125

Report Title:

Aquarium Fish Violations

Description:

Requires that any fines or penalties shall apply to each individual saltwater fish, freshwater non-game fish, or any specimen of aquatic life taken without an aquarium fish permit.

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