
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 of wild or feral deer
7 prohibited. (a) No person shall intentionally, knowingly, or
8 recklessly transfer, transport, and release after transport
9 through interisland movement any wild or feral deer; provided
10 that specimens of wild or feral deer required for scientific or
11 educational purposes may be transported only when authorized
12 under a permit issued by the department or other state
13 department. This section shall not apply to non-feral domestic
14 animals as referenced in section 142-68.

15 (b) For purposes of this section, a deer that has been
16 captured shall no longer be considered feral."



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

4 "Feral" means having escaped or been released from
5 domestication and living in a wild and unconfined state.

6 "Release" means to free an animal from effective
7 confinement or restraint."

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

10 **"§183D-5 Penalties.** (a) Any person violating section
11 183D-21, 183D-25, 183D-33, or 183D-63 or any rule adopted under
12 this chapter shall be guilty of a petty misdemeanor, and upon
13 conviction thereof, shall be punished as follows:

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

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



1 contraband to be forfeited to and disposed of by the
2 State; and

3 (3) For a third or subsequent conviction within five years
4 of the first two or more convictions, by a mandatory
5 fine of not less than \$1,000, or by imprisonment of
6 not more than thirty days, or both, and all firearms
7 used in the commission of [~~such~~] the violations shall
8 be considered contraband to be forfeited to and
9 disposed of by the State.

10 (b) Any person violating section 183D-25.5, 183D-26,
11 183D-27, 183D-32, 183D-62, or 183D-64 shall be guilty of a
12 misdemeanor, and upon conviction thereof, shall be punished as
13 follows:

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

17 (2) For a second conviction within five years of a
18 previous conviction, by a mandatory fine of not less
19 than \$1,000, or by imprisonment of not more than one
20 year, or both, and all firearms used in the commission
21 of [~~such~~] the violations shall be considered



1 contraband to be forfeited to and disposed of by the
2 State; and

3 (3) For a third or subsequent conviction within five years
4 of the first two or more convictions, by a mandatory
5 fine of not less than \$2,000, or by imprisonment of
6 not more than one year, or both, and all firearms used
7 in the commission of [~~such~~] the violations shall be
8 considered contraband to be forfeited to and disposed
9 of by the State.

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

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

19 (2) For a second conviction within five years of a
20 previous conviction, by a mandatory fine of not less
21 than \$15,000 and payment of any costs incurred in the
22 eradication of any deer that has been transferred,



1 transported, and released after transport and the
2 deer's progeny, or by imprisonment of not more than
3 one year, or both; and

4 (3) For a third or subsequent conviction within five years
5 of the first two or more convictions, by a mandatory
6 fine of not less than \$25,000 and payment of any costs
7 incurred in the eradication of any deer that has been
8 transferred, transported, and released after transport
9 and the deer's progeny, or by imprisonment of not more
10 than one year, or both.

11 ~~(e)~~ (d) Any person who violates section 183D-35, 183D-36,
12 183D-37, 183D-38, 183D-39, 183D-40, or 183D-42 shall be guilty
13 of a petty misdemeanor, and upon conviction thereof, shall be
14 fined not less than \$100 or imprisoned not more than thirty
15 days, or both.

16 ~~(d)~~ (e) In addition to any other penalty imposed under
17 this section, a mandatory fine of \$100 shall be levied for each
18 bird illegally taken under this chapter and a mandatory fine of
19 \$500 shall be levied for each mammal illegally taken under this
20 chapter.

21 ~~(e)~~ (f) Any person who is convicted of violating any of
22 the game laws of the State shall immediately have ~~their~~ the



1 person's hunting license forfeited and any person convicted for
2 a second offense shall not be granted a license to hunt for a
3 period of three years after the date of the second conviction.

4 [~~(f)~~] (g) The court, in lieu of the actual cash payment of
5 any mandatory fine, may allow the defendant to perform [~~such~~]
6 the community service as directed by the department of land and
7 natural resources at the rate of one hour of service for every
8 \$10 of mandatory fine imposed.

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

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

19 SECTION 6. This Act shall take effect on January 7, 2009.



Report Title:

Wild or Feral Deer; Interisland Transportation

Description:

Prohibits the interisland transfer, transport, and release after transport of wild or feral deer, with certain exceptions.

Establishes mandatory fines. Effective January 7, 2059.

(SB3001 HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

