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## A BILL FOR AN ACT

RELATING TO SHARK AND RAY PROTECTION.

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

1           SECTION 1. The legislature finds that sharks and rays are  
2 extremely important to ocean ecosystems. As ocean predators  
3 towards the top of the food chain, sharks and rays keep the  
4 ecosystem balanced, regulate populations of other marine life,  
5 and ensure healthy fish stock and reefs.

6           Sharks and rays are more vulnerable to fishing pressures  
7 than most other fish species. They are long-lived, slow-  
8 growing, start reproducing at an advanced age, and produce  
9 relatively few offspring per year. If over-fished, these  
10 populations take a long time to recover. If the food chain is  
11 disrupted by a decline in the shark population, it affects the  
12 entire reef system. Protection for sharks and rays ultimately  
13 means healthier, more resilient oceans and reefs that are better  
14 able to withstand other pressures on the ocean ecosystem from  
15 climate change and pollution.

16           Sharks and rays on the reefs not only play important  
17 ecological roles but are also valued figures in Hawaiian culture  
18 and are important economically to ocean recreation industries



1 and to tourism in Hawaii. The benefits of maintaining viable  
2 populations greatly outweigh any value that would be gained by  
3 killing these species.

4 The purpose of this Act is to protect these species for  
5 ecological purposes, for their value to the ocean recreation  
6 industry and to native Hawaiian cultural practices, and to  
7 establish fines and penalties for knowingly harming, killing, or  
8 capturing sharks or rays within state waters.

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

12 "§188- Sharks; prohibitions, penalties and fines. (a)  
13 No person shall knowingly capture, harm, or kill any species of  
14 shark within state marine waters.

15 (b) Any person violating this section or any rule adopted  
16 pursuant to this section shall be guilty of a misdemeanor;  
17 provided that the fine for violating this section shall be:

18 (1) \$500 for a first offense;

19 (2) \$2,000 for a second offense; and

20 (3) \$10,000 for a third or subsequent offense.

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



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

4        (2) Seizure and forfeiture of any captured sharks,  
5        commercial marine license, vessel, and fishing  
6        equipment; and

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

9        (d) The criminal penalties and administrative fines and  
10       costs shall be assessed per shark captured, harmed, or killed in  
11       violation of this section.

12       (e) This section shall not prohibit special activity  
13       permits allowed under section 187A-6; provided that:

14       (1) The permit issued does not allow a take that exceeds  
15       the potential biological removal level; and

16       (2) The department shall adopt rules to define a "take"  
17       and determine when a take exceeds the potential  
18       biological removal level."

19       SECTION 3. Section 188-39.5, Hawaii Revised Statutes, is  
20       amended by amending its title and subsections as follows:

21       1. By amending the title and subsection (a) to read:



1 "[+]§188-39.5[+] [~~Manta rays~~] Rays; prohibitions,  
2 penalties and fines. (a) No person shall knowingly capture,  
3 harm, or kill [~~a manta ray~~] the following species of rays within  
4 state marine waters[-]: manta ray, spotted eagle ray, broad  
5 stingray, pelagic stingray, Hawaiian stingray."

6 2. By amending subsections (c) and (d) to read:

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

- 9 (1) An administrative fine of not more than \$10,000 for  
10 each [~~manta~~] ray captured, harmed, or killed in  
11 violation of this section;
- 12 (2) Seizure and forfeiture of any captured [~~manta~~] rays,  
13 commercial marine license, vessel, and fishing  
14 equipment; and
- 15 (3) Assessment of administrative fees and costs, and  
16 attorney's fees and costs.

17 (d) The criminal penalties and administrative fines and  
18 costs shall be assessed per [~~manta~~] ray captured, harmed, or  
19 killed in violation of this section."

20 SECTION 4. Section 188-70, Hawaii Revised Statutes, is  
21 amended by amending subsection (a) to read as follows:



1           "(a) Any person violating any provision of or any rule  
 2 adopted pursuant to this chapter, except sections 188-23 [and],  
 3 188-39.5, and 188-\_\_\_\_\_ is guilty of a petty misdemeanor and, in  
 4 addition to any other penalties, shall be fined not less than:

- 5           (1) \$100 for a first offense;  
 6           (2) \$200 for a second offense; and  
 7           (3) \$500 for a third or subsequent offense."

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

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

13           SECTION 7. This Act shall take effect upon its approval.  
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INTRODUCED BY: Maria E. Lowen

John A. Schmitt  
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~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
John M. Nease  
K. Oll  
\_\_\_\_\_

Cindy Evans  
~~\_\_\_\_\_~~  
Guthrie Thickett  
~~\_\_\_\_\_~~  
\_\_\_\_\_  
Richard Grayson  
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# H.B. NO. 2380

**Report Title:**

Sharks; Rays; Poaching and Commercial Fishing Prohibited

**Description:**

Creates administrative penalties for any person who knowingly captures, harms, or kills sharks and rays within state marine waters.

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