
A BILL FOR AN ACT

RELATING TO SHARK AND MANTA RAY PROTECTION.

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

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

6 Sharks and manta rays are more vulnerable to fishing
7 pressures than most other fish species. They are long-lived,
8 slow-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 manta rays
13 ultimately means healthier, more resilient oceans and reefs that
14 are better able to withstand other pressures on the ocean
15 ecosystem from climate change and pollution.

16 Sharks and manta rays on the reefs not only play important
17 ecological roles but are also valued figures in Hawaiian culture



1 and are important economically to ocean recreation industries
2 and to tourism in Hawaii. The benefits of maintaining viable
3 populations greatly outweigh any value that would be gained by
4 killing these species.

5 The purpose of this Act is to:

6 (1) Protect sharks and manta rays for ecological purposes,
7 for their value to the ocean recreation industry, and
8 for their value to native Hawaiian cultural practices;

9 and

10 (2) Establish fines and penalties for knowingly capturing,
11 killing, or taking a shark within state waters.

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

15 "§188- Sharks; prohibitions; exceptions; penalties and
16 fines. (a) Except as provided in subsections (e) through (h),
17 or as otherwise provided by law, no person shall knowingly
18 capture, kill, or take any shark within state marine waters.

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



- 1 (1) \$500 for a first offense;
2 (2) \$2,000 for a second offense; and
3 (3) \$10,000 for a third or 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 shark captured, killed, or taken in violation of
8 this section;
9 (2) Seizure and forfeiture of any captured sharks,
10 commercial marine license, vessel, and fishing
11 equipment; and
12 (3) Assessment of administrative fees and costs, and
13 attorney's fees and costs.
14 (d) The criminal penalties and administrative fines and
15 costs shall be assessed per shark captured, killed, or taken in
16 violation of this section.
17 (e) This section shall not prohibit special activity
18 permits allowed under section 187A-6; provided that the permit
19 issued does not allow a take that exceeds the potential
20 biological removal level.



1 (f) This section shall not apply to any person exercising
2 native Hawaiian gathering rights and traditional cultural
3 practices as authorized by law or as permitted by the department
4 pursuant to article XII, section 7 of the Hawaii State
5 Constitution.

6 (g) This section shall not apply to the department or its
7 designated agent if the capture, kill, or take is for public
8 safety.

9 (h) This section shall not apply to any person who
10 knowingly captures, kills, or takes a shark outside of state
11 marine waters.

12 (i) For the purposes of this section, "take" means
13 catching, confining, landing, or harvesting using a pole, tine,
14 hook, net, trap, spear, or other gear which is designed to
15 catch, land, or harvest aquatic life."

16 SECTION 3. Section 188-39.5, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "[+]§188-39.5[+] Manta rays; prohibitions, penalties and
19 fines. (a) [~~N~~] Except as provided in subsections (e) through
20 (h), or as otherwise provided by law, no person shall knowingly
21 capture, take, or kill a manta ray within state marine waters.



1 (b) Any person violating this section or any rule adopted
2 pursuant to this section shall be guilty of a misdemeanor and
3 shall be fined:

4 (1) \$500 for a first offense;

5 (2) \$2,000 for a second offense; and

6 (3) \$10,000 for a third or subsequent offense.

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, taken, or killed in violation
11 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, taken, or killed
19 in violation of this section.

20 (e) This section shall not prohibit special activity
21 permits allowed under section 187A-6; provided that the permit



1 issued does not allow a take that exceeds the potential
2 biological removal level [~~and provided further that the~~
3 ~~department shall adopt rules to define a "take" and determine~~
4 ~~when a take exceeds the potential biological removal level~~].

5 (f) This section shall not apply to any person exercising
6 native Hawaiian gathering rights and traditional cultural
7 practices as authorized by law or as permitted by the department
8 of land and natural resources pursuant to article XII, section 7
9 of the Hawaii State Constitution.

10 (g) This section shall not apply to the department or its
11 designated agent if the capture, kill, or take is for public
12 safety.

13 (h) This section shall not apply to any person who
14 knowingly captures, kills, or takes a manta ray outside of state
15 marine waters.

16 (i) For the purposes of this section, "take" means
17 catching, confining, landing, or harvesting using a pole, tine,
18 hook, net, trap, spear, or other gear which is designed to
19 catch, land, or harvest aquatic life."

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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JAN 29 2015



H.B. NO. 1339

Report Title:

Sharks; Rays; Poaching and Commercial Fishing Prohibited

Description:

Creates administrative penalties for any person who knowingly captures, kills, or takes any shark or manta ray within state marine waters. Provides exemptions for native Hawaiian gathering rights and cultural practices, research purposes, and public safety.

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

