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## A BILL FOR AN ACT

RELATING TO CHAPTER 183, HAWAII REVISED STATUTES.

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

1           SECTION 1. Section 183-18, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "~~§183-18 Criminal penalties. [Any person who violates~~  
4 ~~section 183-17, upon conviction thereof, is guilty of a~~  
5 ~~misdemeanor and shall be fined not more than \$2,000 or~~  
6 ~~imprisoned not more than one year, or both. In addition to any~~  
7 ~~other penalty imposed under this section, a fine of up to \$2,000~~  
8 ~~shall be levied for each tree illegally destroyed or harvested~~  
9 ~~under section 183-17.] (a) Unless otherwise specified, any~~  
10 person who violates a provision of this part or a rule adopted  
11 pursuant to this part shall be guilty of a petty misdemeanor. A  
12 person convicted of violating a provision of this part or a rule  
13 adopted pursuant to this part shall be sentenced, without the  
14 possibility of probation or suspension of sentence, as follows:

15           (1) A mandatory fine of not less than \$100, or  
16           imprisonment of not more than thirty days, or both,  
17           for a first offense, or any offense not preceded



1           within a five-year period by a conviction for a prior  
2           offense;

3           (2) A mandatory fine of not less than \$500, or by  
4           imprisonment of not more than thirty days, or both,  
5           for an offense that occurs within five years of a  
6           conviction for a prior offense; and

7           (3) A mandatory fine of \$1,000, or imprisonment of not  
8           more than thirty days, or both, for an offense that  
9           occurs within five years of two or more convictions  
10          for prior offenses.

11 For purposes of this subsection, "offense" means a violation of  
12 any provision of this part or any rules adopted pursuant  
13 thereto.

14          (b) A person who is convicted for violating section 183-17  
15 is guilty of a misdemeanor and shall be fined not more than  
16 \$2,000 or imprisoned not more than one year, or both."

17          SECTION 2. Section 183-4, Hawaii Revised Statutes, is  
18 repealed.

19          ~~["§183-4 General penalty. Any person violating any of the~~  
20 ~~provisions of chapters 183 to 185, for which violation a penalty~~  
21 ~~is not otherwise provided, or violating any rule or regulation~~



# H.B. NO. 2109

1 ~~of the department of land and natural resources, and any master~~  
 2 ~~of any vessel which brings into the State any article which the~~  
 3 ~~department shall at any time prohibit from being imported into~~  
 4 ~~the State, and the master of any vessel from which is landed any~~  
 5 ~~article required in chapters 183 to 185 to be inspected, before~~  
 6 ~~the master has received a permit to land the articles from the~~  
 7 ~~department or its officer or inspector, as in such chapters~~  
 8 ~~provided, shall be fined not more than \$500."]~~

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

12 SECTION 4. Statutory material to be repealed is bracketed  
 13 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: *J. Smith*

JAN 22 2016



# H.B. NO. 2109

**Report Title:**

Chapter 183; Penalties

**Description:**

Clarifies that any person that violates: (1) section 183-17, HRS, (timber trespass in forest reserves) shall be guilty of a misdemeanor; or (2) a provision of part II of chapter 183, HRS, (forest reserves) or any rule adopted pursuant thereto, other than section 183-17, HRS, shall be guilty of a petty misdemeanor. Repeals the general penalty provision of chapter 183, HRS.

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

