
A BILL FOR AN ACT

RELATED TO HARASSMENT.

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

1 SECTION 1. Section 188-71, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§~~188-71~~§~~ Harassment of fishermen; prohibition. (a)

4 No person shall intentionally prevent or attempt to prevent the
5 lawful taking of fish by a person permitted pursuant to section
6 188-31, licensed pursuant to section 188-50, or fishing in
7 marine waters within the State's jurisdiction by~~+~~ purposely:

- 8 (1) Placing the person's self in a location in which human
9 presence may affect the behavior of fish to be taken
10 or the feasibility of taking such fish;
- 11 (2) Creating a visual, aural, olfactory, or physical
12 stimulus to affect the behavior of fish to be taken;
- 13 (3) Affecting the condition or placement of personal
14 property intended for use in the taking; or
- 15 (4) Obstructing the person's access to areas in which the
16 person intends to lawfully take fish~~-~~,
17 with the intent to prevent the taking of fish.



1 (b) No person shall enter or remain upon public lands or
2 waters, or upon private lands or waters, without permission of
3 the owner or the owner's agent, with intent to violate this
4 section.

5 (c) It shall not be a violation of subsection (a) to:

6 (1) Take photographs or video recordings of a person
7 engaged in the taking of fish or related activities
8 while maintaining a reasonable distance from the
9 person; or

10 (2) Engage in activities pursuant to the department's
11 makai watch program.

12 [~~(e)~~] (d) The maximum penalty for violation of subsection
13 (a) or (b) is a fine of \$500, thirty days imprisonment, or
14 both."

15 SECTION 2. Section 199-3, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) The conservation and resources enforcement officers,
18 with respect to all state lands, including public lands, state
19 parks, forest reserves, forests, aquatic life and wildlife
20 areas, Kaho'olawe island reserve, and any other lands and waters
21 within the State, shall:



- 1 (1) Enforce title 12, chapters 6D, 6E, and 6K, and rules
2 adopted thereunder;
- 3 (2) Investigate complaints, gather evidence, conduct
4 investigations, and conduct field observations and
5 inspections as required or assigned;
- 6 (3) Cooperate with enforcement authorities of the State,
7 counties, and federal government in development of
8 programs and mutual aid agreements for conservation
9 and resources enforcement activities within the State;
- 10 (4) Cooperate with established search and rescue agencies
11 of the counties and the federal government in
12 developing plans and programs and mutual aid
13 agreements for search and rescue activities within the
14 State;
- 15 (5) Check and verify all leases, permits, and licenses
16 issued by the department of land and natural
17 resources;
- 18 (6) Enforce the laws relating to firearms, ammunition, and
19 dangerous weapons contained in chapter 134;



1 (7) Enforce the laws in chapter 291E relating to operating
2 a vessel on or in the waters of the State while using
3 intoxicants;

4 (8) Enforce the laws relating to harassment, specifically,
5 criminal harassment pursuant to section 711-1106,
6 harassment of hunters pursuant to section 183D-27.5,
7 and harassment of fishermen pursuant to section 188-
8 71;

9 [~~8~~] (9) Whether through a specifically designated marine
10 patrol or otherwise, enforce the rules in the areas of
11 boating safety, conservation, and search and rescue
12 relative to the control and management of boating
13 facilities owned or controlled by the State, ocean
14 waters, and navigable streams and any activities
15 thereon or therein, and beaches encumbered with
16 easements in favor of the public, and the rules
17 regulating vessels and their use in the waters of the
18 State; and

19 [~~9~~] (10) Carry out other duties and responsibilities as
20 the board of land and natural resources from time to
21 time may direct."



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

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

6 SECTION 5. This Act shall take effect on December 24,
7 2088.



Report Title:

Harassment of Fishermen

Description:

Prohibits purposeful harassment with the intent to prevent the taking fish of persons who are fishing. Specifies DOCARE's duty to enforce anti-harassment statutes. (HB511 HD1)

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