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# A BILL FOR AN ACT

RELATING TO AERONAUTICS.

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

1           SECTION 1. The legislature finds that the imposition of  
2 criminal penalties for violations of certain categories of  
3 airport rules has been excessive and disproportionate to the  
4 gravity of the acts committed. A more just approach would be to  
5 impose only civil penalties for violations of rules relating to  
6 airport safety and licensing of persons engaged in commercial  
7 activities at public airports, and reserve criminal penalties  
8 for conduct that causes more harm. Furthermore, the legislature  
9 recognizes that the current misdemeanor penalty for certain  
10 airport offenses can result in significantly harsh consequences.  
11 For example, a holder of a pilots' license, military security  
12 clearance, civilian federal security clearance, or professional  
13 license, such as doctor, lawyer, or certified public accountant,  
14 may lose the clearance or license because of a criminal  
15 conviction. Sometimes, the loss of the clearance or license and  
16 its associated privileges may continue for the person's entire  
17 lifetime.



1 The purpose of this Act is to replace criminal penalties  
2 for certain airport offenses addressed in chapter 261, Hawaii  
3 Revised Statutes, or in certain administrative rules or orders  
4 issued pursuant thereto, with a civil penalty.

5 SECTION 2. Section 261-21, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7 "(a) Except as provided in subsection (c), any person  
8 violating this chapter, or any of the rules or orders issued  
9 pursuant thereto and ~~[relating to:~~

- 10 ~~(1) Safety measures, practices, or requirements,~~
- 11 ~~(2) Airport security measures or requirements; or~~
- 12 ~~(3) The licensing and regulation of persons engaged in~~  
13 ~~commercial activities at public airports,]~~

14 duly adopted or served, shall be ~~[guilty of a misdemeanor.]~~

15 subject to the following penalties:

16 (1) When safety measures, practices, or requirements are  
17 involved, the person shall be guilty of a violation  
18 and subject to a civil penalty not to exceed \$200;

19 (2) When airport security measures or requirements are  
20 involved, the person shall be guilty of a misdemeanor;  
21 and



1       (3) When the licensing and regulation of persons engaged  
2       in commercial activities at public airports is  
3       involved, the person shall be guilty of a violation  
4       and subject to a civil penalty not to exceed \$200."

5       SECTION 3. Nothing in this Act is intended to jeopardize  
6 the receipt of any federal aid or impair the obligation of the  
7 State or any state agency to holders of any bond issued by the  
8 State or any state agency. To the extent that any provision in  
9 this Act conflicts with any federal law or jeopardizes receipt  
10 of any federal aid, or impairs the obligation of the State or  
11 any state agency with respect to holders of bonds issued by the  
12 State or any state agency, the provision shall be void and all  
13 other provisions of this Act shall remain in effect and  
14 enforceable.

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

17       SECTION 5. This Act shall take effect on January 7, 2059.

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**Report Title:**

Aeronautics; Administrative Rules; Penalties

**Description:**

Replaces criminal penalties for certain airport offenses addressed in the laws relating to aeronautics or in certain administrative rules or orders issued pursuant thereto, with a civil penalty. Takes effect on 1/7/2059. (SD1)

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

