
A BILL FOR AN ACT

RELATING TO DEPARTMENT OF LAND AND NATURAL RESOURCES VIOLATIONS.

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

1 SECTION 1. Section 183-5, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:
3 "(c) In addition[+
4 ~~(1)~~ A], a fine of an amount up to \$10,000 or three times
5 the market value at the time and place of the
6 violation, as determined by the department, for each
7 tree, including koa, whichever is greater, per
8 violation of section 183-17 may be levied for each
9 destroyed or harvested [~~koa~~] tree, including koa, or
10 portion thereof, larger than six inches in diameter at
11 ground level[~~and~~
12 ~~(2) A fine of up to \$2,000 per violation of section 183-17~~
13 ~~may be levied for each destroyed or harvested tree or~~
14 ~~plant, other than koa, or portion thereof, larger than~~
15 ~~six inches in diameter at ground level.], in addition
16 to any administrative fines and costs associated with
17 restoration or replacement of habitat and damages to~~



1 public land or natural resources, or any combination
2 thereof."

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

5 "**§183-18 Criminal penalties.** (a) Unless otherwise
6 specified, any person who violates this part or a rule adopted
7 pursuant to this part shall be guilty of a petty misdemeanor. A
8 person convicted of violating this part or a rule adopted
9 pursuant to this part shall be sentenced, without the
10 possibility of probation or suspension of sentence, as follows:

11 (1) A mandatory fine of not less than \$100, or
12 imprisonment of not more than thirty days, or both,
13 for a first offense, or any offense not preceded
14 within a five-year period by a conviction for a prior
15 offense;

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

20 (3) A mandatory fine of \$1,000, or imprisonment of not
21 more than thirty days, or both, for an offense that



1 occurs within five years of the first of two or more
2 convictions for prior offenses.

3 For purposes of this subsection, "offense" means a violation of
4 this part or any rules adopted pursuant thereto.

5 (b) Any person who [violates] is convicted for violating
6 section 183-17 [upon conviction thereof], is guilty of a
7 misdemeanor and shall be fined not more than \$2,000 or
8 imprisoned not more than one year, or both. [In addition to any
9 other penalty imposed under this section, a fine of up to \$2,000
10 shall be levied for each tree illegally destroyed or harvested
11 under section 183-17.] "

12 SECTION 3. Section 183-4, Hawaii Revised Statutes, is
13 repealed.

14 [~~"§183-4 General penalty. Any person violating any of the~~
15 ~~provisions of chapters 183 to 185, for which violation a penalty~~
16 ~~is not otherwise provided, or violating any rule or regulation~~
17 ~~of the department of land and natural resources, and any master~~
18 ~~of any vessel which brings into the State any article which the~~
19 ~~department shall at any time prohibit from being imported into~~
20 ~~the State, and the master of any vessel from which is landed any~~
21 ~~article required in chapters 183 to 185 to be inspected, before~~



1 ~~the master has received a permit to land the articles from the~~
2 ~~department or its officer or inspector, as in such chapters~~
3 ~~provided, shall be fined not more than \$500."]~~

4 SECTION 4. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

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

9 SECTION 6. This Act shall take effect upon its approval.

10



Report Title:

Destruction or Harvesting of Trees including Koa on State Lands;
Forest Reserves Violations; Penalties

Description:

Amends fines for destroying or harvesting trees including koa on state forest reserves lands to an amount up to \$10,000 or three times the market value at the time and place of the violation for each tree including koa, whichever is greater, in addition to any administrative fines and costs associated with restoration or replacement of the habitat and damages to public land or natural resources, or any combination thereof.

Clarifies that any person violating part II (Forest Reserves) of chapter 183, Hawaii Revised Statutes (HRS), 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. (SD1)

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