
A BILL FOR AN ACT

RELATING TO BOATING.

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

1 SECTION 1. Section 200-25, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~\$200-25 Fines [and penalties].~~ (a) Any person violating
4 this part, or any rule adopted pursuant to this part, shall be
5 fined not less than \$50 and not more than \$1,000 ~~[or sentenced~~
6 ~~to a term of imprisonment of not more than thirty days, or~~
7 ~~both,~~ for each violation~~[, provided that]~~. Each day of each
8 violation constitutes a separate offense. Any action taken to
9 impose or collect the fine provided by this section shall be
10 considered a civil action.

11 (b) ~~[in]~~ In addition to, or as a condition to the
12 suspension of, the fines ~~[and penalties,]~~ under subsection (a),
13 the environmental court may deprive the offender of the
14 privilege of operating any vessel, including but not limited to
15 any thrill craft or vessel engaged in parasailing or water
16 sledding, in the waters of the State for a period of not more
17 than thirty days."



SECTION 2. Section 200-26, Hawaii Revised Statutes, is amended to read as follows:

"[~~§~~200-26[~~§~~] [~~Arrest or citation.~~] Citation. (a)

~~[Except when required by state law to take immediately before a district judge a person arrested for a violation of any~~

~~provision of this part, including any rule adopted pursuant to~~

~~this part, any]~~ Any person authorized to enforce this part,

hereinafter referred to as an enforcement officer, upon

~~[arresting a person for]~~ observing a violation of any provision

of this part, including any rule adopted pursuant to this part,

~~[in the discretion of the enforcement officer, shall either:~~

(1) ~~Issue]~~ shall issue to the purported violator a

~~[summons or]~~ citation, printed in the form described,

~~[warning]~~ ordering the purported violator to pay any

applicable penalty or to appear and answer to the

~~[charge against the]~~ purported ~~[violation]~~ violation at

a certain place and at a time within seven days after

~~[such arrest; or~~

(2) ~~Take the purported violator without unnecessary delay~~

~~before a district judge.]~~ issuance of the citation.



1 (b) The [~~summons-or~~] citation shall be printed in a form
2 comparable to the form of other [~~summonses-and~~] citations used
3 for [~~arresting-offenders~~] citing violators of laws that do not
4 mandate the physical arrest of violators, and shall be designed
5 to provide for inclusion of all necessary information. The form
6 and content of [~~such-summons-or~~] the citation shall be adopted
7 or prescribed by the district courts.

8 The original of the [~~summons-or~~] citation shall be given to
9 the purported violator and the other copy or copies distributed
10 in the manner prescribed by the district courts; provided that
11 the district courts may prescribe alternative methods of
12 distribution for the original and any other copies.

13 [~~Summonses-and-citations~~] Citations shall be consecutively
14 numbered and the carbon copy or copies of each shall bear the
15 same number.

16 (c) Any person who fails to appear at the place and within
17 the time specified in the [~~summons-or~~] citation issued to the
18 person by the enforcement officer, upon the person's [~~arrest~~]
19 being cited for violation of any provision of this part,
20 including any rule adopted pursuant to this part, shall be



1 ~~[guilty of a misdemeanor.]~~ deemed to have committed a separate
2 violation, as may be established by rule.

3 ~~[In the event any person fails to comply with a summons or~~
4 ~~citation issued to that person, or if any person fails or~~
5 ~~refuses to deposit bail as required, the enforcement officer~~
6 ~~shall cause a complaint to be entered against that person and~~
7 ~~secure the issuance of a warrant for the person's arrest.~~

8 ~~(d) When a complaint is made to any prosecuting officer of~~
9 ~~the violation of any provision of this part, including any rule~~
10 ~~adopted thereunder, the enforcement officer who issued the~~
11 ~~summons or citation shall subscribe to it under oath~~
12 ~~administered by another official of the department whose name~~
13 ~~has been submitted to the prosecuting officer and who has been~~
14 ~~designated by the chairperson to administer the same.] "~~

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

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



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

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INTRODUCED BY: Mike E. Lowen

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H.B. NO. 2040

Report Title:

DLNR; Boating; Penalty; Decriminalization

Description:

Makes any violation of part II, chapter 200, HRS, a civil offense rather than a criminal offense.

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