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# A BILL FOR AN ACT

RELATING TO SHARK AND RAY PROTECTION.

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

1 SECTION 1. Section 188-39.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 " ~~[+] §188-39.5 [ ] — Manta rays,~~ Rays; hihimanu; hāhālua;  
4 hailepo; lupe; prohibitions, penalties, and fines. (a) [No]  
5 Except as provided in subsection (e), no person shall knowingly  
6 capture ~~[or kill]~~, take, possess, abuse, or entangle a ~~[manta]~~  
7 ray, whether alive or dead, or kill any ray, within state marine  
8 waters.

9 (b) Any person violating this section or any rule adopted  
10 pursuant to this section shall be guilty of a misdemeanor and  
11 shall be fined:

- 12 (1) \$500 for a first offense;  
13 (2) \$2,000 for a second offense; and  
14 (3) \$10,000 for a third or subsequent offense.

15 (c) In addition to any other penalty imposed under this  
16 section, a person violating this section shall be subject to:



1 (1) An administrative fine of not more than \$10,000 for  
2 each [~~manta~~] ray captured, taken, possessed, abused,  
3 or entangled, whether alive or dead, or killed in  
4 violation of this section;

5 (2) Seizure and forfeiture of any captured [~~manta~~] rays,  
6 commercial marine license, vessel, and fishing  
7 equipment; and

8 (3) Assessment of administrative fees and costs [~~7~~] and  
9 attorney's fees and costs.

10 (d) The criminal penalties and administrative fines and  
11 costs shall be assessed per [~~manta~~] ray captured, taken,  
12 possessed, abused, or entangled, whether alive or dead, or  
13 killed in violation of this section.

14 (e) This section shall not [~~prohibit~~] apply to special  
15 activity permits allowed under section 187A-6 [~~7~~] or research  
16 permits authorized by law; provided that the permit issued does  
17 not allow a take that exceeds the potential biological removal  
18 level; and provided further that the department shall adopt  
19 rules pursuant to chapter 91 to define a "take" and determine  
20 when a take exceeds the potential biological removal level.



1        (f) Nothing in this section shall be construed to restrict  
2 the exercise of traditional and customary rights protected  
3 pursuant to article XII, section 7, of the state constitution.

4        (g) For the purposes of this section, "ray" means any  
5 species of ray within the subclass elasmobranchii."

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

9        SECTION 3. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11       SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Rays; Prohibitions; Exemptions

**Description:**

Expands the existing prohibition on knowingly capturing or killing a manta ray in state marine waters to apply to all rays and to also include knowingly taking, possessing, abusing, or entangling a ray. Provides certain exemptions. (HB808 CD1)

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

