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## A BILL FOR AN ACT

RELATING TO SHARK PROTECTION.

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

1           SECTION 1. The legislature finds that sharks are  
2 economically and culturally significant to Hawaii and  
3 environmentally important to the ocean ecosystem. As predators,  
4 they help to regulate marine life and ensure healthy fish stock.  
5 If the ecosystem is disrupted by a decline in the shark  
6 population, it negatively impacts the entire reef system. The  
7 balance sharks create makes the reefs stronger and better able  
8 to withstand other threats, like pollution and climate change.  
9 The legislature further finds that sharks are valued figures in  
10 Hawaiian culture and benefit the State economy by helping to  
11 draw in tourists.

12           The legislature recognizes that sharks are more vulnerable  
13 than most other fish. They grow slowly, reproduce late, and  
14 produce relatively few offspring per year. Overfishing,  
15 pollution, and other threats can cause serious declines in shark  
16 populations, placing the entire reef environment at risk.



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1           Accordingly, the purpose of this Act is to protect sharks  
2 by establishing fines and penalties for knowingly capturing,  
3 taking, possessing, abusing, or entangling a shark, whether  
4 alive or dead, or killing any shark within state marine waters.

5           SECTION 2. Chapter 188, Hawaii Revised Statutes, is  
6 amended by adding a new section to part II to be appropriately  
7 designated and to read as follows:

8           "§188-           Sharks; prohibitions; penalties and fines. (a)

9 Except as provided in subsection (e) or as otherwise provided by  
10 law, no person shall knowingly capture, take, possess, abuse, or  
11 entangle a shark, whether alive or dead, or kill any shark,  
12 within state marine waters.

13           (b) Any person violating this section or any rule adopted  
14 pursuant to this section shall be guilty of a misdemeanor;  
15 provided that the fine for violating this section shall be:

16           (1) \$500 for the first offense;

17           (2) \$2000 for the second offense; and

18           (3) \$10,000 for a third or any subsequent offense.

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



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- 1       (1) An administrative fine of no more than \$10,000 for  
2       each shark captured, taken, possessed, abused,  
3       entangled, or killed in violation of this section;
- 4       (2) Seizure and forfeiture of any captured sharks and any  
5       commercial marine license, vessel, or fishing  
6       equipment used during a violation of this section; and
- 7       (3) Assessment of administrative fees and costs and  
8       attorney's fees and costs.
- 9       (d) The criminal penalties and administrative fines, fees,  
10      and costs imposed pursuant to this section shall be assessed per  
11      shark captured, taken, possessed, abused, entangled, or killed  
12      in violation of this section.
- 13      (e) This section shall not apply to:
- 14      (1) Special activity permits allowed under section 187A-6  
15      or research permits authorized by law; provided that  
16      the permit issued does not allow a take that exceeds  
17      the potential biological removal level; provided  
18      further that the department of land and natural  
19      resources may adopt rules pursuant to chapter 91 to  
20      define "take" for the purposes of this subsection and



- 1           to determine when a take exceeds the potential  
2           biological removal level;
- 3        (2) The department of land and natural resources or its  
4           agent if the capture, taking, possession, abuse,  
5           entanglement, or killing is for the protection of  
6           public safety;
- 7        (3) Sharks taken outside of state marine waters and  
8           possessed on a vessel in state marine waters pursuant  
9           to any federally managed fishery, for the purposes of  
10          landing the catch in the State; and
- 11       (4) Any person if the capture, taking, possession, abuse,  
12          entanglement, or killing is the result of defense of  
13          the person's self or of another against death or  
14          bodily harm.
- 15       (f) Nothing in this section shall be construed to restrict  
16          the exercise of traditional and customary rights protected  
17          pursuant to article XII, section 7, of the state constitution.
- 18       (g) For the purposes of this section, "shark" means any  
19          species of shark within the subclass elasmobranchii."
- 20       SECTION 3. Section 188-70, Hawaii Revised Statutes, is  
21       amending subsection (a) to read as follows:



1           "(a) Any person violating any provision of or any rule  
2 adopted pursuant to this chapter, except sections 188-23 [~~and~~],  
3 188-39.5, and 188-\_\_\_, is guilty of a petty misdemeanor and, in  
4 addition to any other penalties, shall be fined not less than:

- 5           (1) \$100 for a first offense;  
6           (2) \$200 for a second offense; and  
7           (3) \$500 for a third or subsequent offense."

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

10           SECTION 5. This Act shall take effect upon its approval."

11

INTRODUCED BY: 

JAN 22 2020



# H.B. NO. 2414

**Report Title:**

Sharks; Prohibitions; Fines; Penalties; Exemptions

**Description:**

Prohibits and establishes fines and penalties for knowingly capturing, taking, possessing, abusing, entangling, or killing any shark within state marine waters. Provides certain exemptions.

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

