
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.



1 Accordingly, the purpose of this Act is to:

2 (1) Protect sharks by establishing fines and penalties for
3 knowingly capturing, taking, possessing, abusing,
4 harassing, or entangling a shark, whether alive or
5 dead, or killing any shark within state marine waters;
6 and

7 (2) Exempt nationally qualified educational institutions
8 from the requirement to obtain a special activity
9 permit to conduct scientific and educational research
10 activities on sharks.

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

14 "§188- Sharks; prohibitions; penalties and fines. (a)
15 Except as provided in subsection (f) or as otherwise provided by
16 law, no person shall knowingly capture, take, possess, abuse,
17 harass, or entangle a shark, whether alive or dead, or kill any
18 shark, within state marine waters.

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



- 1 (1) \$500 for the first offense;
- 2 (2) \$2000 for the second offense; and
- 3 (3) \$10,000 for a third or any subsequent offense.
- 4 (c) In addition to any other penalty imposed under this
5 section, a person violating this section shall be subject to:
- 6 (1) An administrative fine of no more than \$10,000 for
7 each shark captured, taken, possessed, abused,
8 harassed, entangled, or killed in violation of this
9 section;
- 10 (2) Seizure and forfeiture of any captured, taken, or
11 possessed sharks and any commercial marine license,
12 vessel, or fishing equipment used during a violation
13 of this section; and
- 14 (3) Assessment of administrative fees and costs and
15 attorney's fees and costs.
- 16 (d) The criminal penalties and administrative fines, fees,
17 and costs imposed pursuant to this section shall be assessed per
18 shark captured, taken, possessed, abused, entangled, or killed
19 in violation of this section.



1 (e) The department shall enforce this section and shall
2 ensure that all commercial vessels are in compliance with the
3 provisions of this section.

4 (f) This section shall not apply to:

5 (1) Research performed by nationally qualified educational
6 institutions;

7 (2) Sharks currently held in captivity;

8 (3) The department or its agent if the capture, taking,
9 possession, abuse, entanglement, or killing is for the
10 protection of public safety;

11 (4) Sharks taken outside of state marine waters and
12 possessed on a vessel in state marine waters pursuant
13 to any federally managed fishery, for the purposes of
14 landing the catch in the State;

15 (5) Sharks accidentally taken, captured, possessed,
16 harassed, or killed as part of a fisher's catch;

17 (6) Any person if the capture, taking, possession, abuse,
18 harassment, entanglement, or killing is the result of
19 defense of the person's self or of another against
20 death or bodily harm.



1 (g) 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 (h) For the purposes of this section:

5 "Harass" means the approach, by any means, within one
6 hundred fifty feet of any shark.

7 "Shark" means any species of shark within the subclass
8 elasmobranchii."

9 SECTION 3. Section 187A-6, Hawaii Revised Statutes, is
10 amended by amending subsection (b) to read as follows:

11 "(b) Notwithstanding the provisions of any other law, the
12 department may issue permits, not longer than one year in
13 duration, to any person to take aquatic life, possess or use
14 fishing gear, or engage in any feeding, watching, or other such
15 non-consumptive activity related to aquatic resources, otherwise
16 prohibited by law, in any part of the State, for scientific,
17 educational, management, or propagation purposes, subject to
18 chapter 195D and subject to those restrictions the department
19 deems desirable[-]; provided that no permit shall be required by
20 a nationally qualified educational institution to conduct
21 scientific or educational research activities on sharks. The



1 department may revoke any permit for any infraction of the terms
2 and conditions of the permit. Any person whose permit has been
3 revoked shall not be eligible to apply for another permit until
4 the expiration of one year from the date of revocation."

5 SECTION 4. Section 188-70, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) Any person violating any provision of or any rule
8 adopted pursuant to this chapter, except sections 188-23 [~~and~~],
9 188-39.5, and 188- , is guilty of a petty misdemeanor and, in
10 addition to any other penalties, shall be fined not less than:

- 11 (1) \$100 for a first offense;
12 (2) \$200 for a second offense; and
13 (3) \$500 for a third or subsequent offense."

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

17 SECTION 6. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 7. This Act shall take effect upon its approval.



Report Title:

Sharks; Prohibitions; Fines; Penalties; Exemptions

Description:

Prohibits and establishes fines and penalties for knowingly capturing, taking, possessing, abusing, harassing, entangling, or killing any shark within state marine waters. Provides certain exemptions. Exempts nationally qualified educational institutions from the requirement to obtain a special activity permit to conduct scientific and educational research activities on sharks. (HD1)

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