
A BILL FOR AN ACT

RELATING TO THE TAKING OF NATURAL RESOURCES.

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

1 SECTION 1. The legislature finds that the State of Hawaii
2 has a substantial interest in regulating the extraction of its
3 natural resources under the Hawaii State Constitution and
4 statutory scheme. As such, many laws and rules are in place for
5 the purpose of regulating the extraction of natural resources so
6 as to establish the taking of resources as highly regulated
7 activities, including commercial trade and distribution.
8 However, these regulations cannot be effectively enforced
9 without proper inspection authority as a check and balance on
10 unfettered harvest.

11 The legislature also finds that in light of the number and
12 nature of regulations that apply to resource extraction and the
13 type of enforcement procedures that are necessary to enforce
14 such regulations, persons involved in the extraction of
15 resources have a reduced expectation of privacy under the Fourth
16 Amendment of the U.S. Constitution, especially when engaged in
17 such activity.



1 The legislature further finds that a warrantless
2 administrative search scheme is the only reasonable way to
3 enforce natural resource regulations.

4 SECTION 2. Chapter 199, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§199- Inspection; exhibit upon demand. (a) Section
8 199-7 notwithstanding, any police officer or agent of the
9 department of land and natural resources upon whom the board of
10 land and natural resources has conferred police powers may, in
11 the performance of the officer's or agent's primary duties, stop
12 and temporarily detain any person whom the officer or agent
13 reasonably believes is, or recently has been, engaged in
14 fishing, hunting, gathering, or any other activity involving the
15 taking of natural resources, and may inspect any license,
16 permit, stamp, tag, or any written authorizations, as well as
17 all natural resources in the person's possession, including the
18 contents of any bag or container of any kind used to carry
19 natural resources, and any equipment, article, instrument,
20 aircraft, vessel, vehicle, or conveyance being used, to
21 determine whether the person is in compliance with title 12,



1 chapters 6D, 6E, and 6K, and any rules adopted thereunder,
2 relating to the protection and conservation of natural
3 resources.

4 (b) Any license, permit, stamp, tag, or other written
5 authorizations, any natural resources in the person's
6 possession, and any device or apparatus designed to be or
7 capable of being used to take natural resources, shall be
8 exhibited upon demand to any person authorized by the department
9 of land and natural resources to enforce title 12, chapters 6D,
10 6E, and 6K, and any rule adopted thereunder, relating to the
11 protection and conservation of natural resources.

12 (c) Any person violating this chapter or any rule adopted
13 thereunder for which a penalty is not otherwise provided shall
14 be guilty of a petty misdemeanor, and any natural resources in
15 the person's possession, and any device or apparatus designed to
16 be or capable of being used to take natural resources shall be
17 subject to seizure.

18 (d) For purposes of this section, "natural resources"
19 includes but is not limited to any archaeological artifacts;
20 minerals; any aquatic life or wildlife or parts thereof,



1 including their eggs; and any land plants or parts thereof,
2 including seeds."

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

6 SECTION 4. New statutory material is underscored.

7 SECTION 5. This Act shall take effect on December 31,
8 2050.



Report Title:

Natural Resources; Inspection; Warrantless Administrative Inspection

Description:

Clarifies that any police officer or agent of the Department of Land and Natural Resources upon whom the Board of Land and Natural Resources has conferred police powers may, in the performance of their primary duties and without a warrant, inspect certain items for compliance with title 12, chapters 6D, 6E, and 6K, Hawaii Revised Statutes, and any rule adopted thereunder, relating to the protection and conservation of natural resources. Requires a person to exhibit certain items upon demand by any person authorized by the Department of Land and Natural Resources to enforce title 12, chapters 6D, 6E, and 6K, Hawaii Revised Statutes, and any rule adopted thereunder. Takes effect on 12/31/2050. (SD1)

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