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# A BILL FOR AN ACT

RELATING TO LAY NETS.

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

1           SECTION 1. Chapter 188, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§188- Use of lay nets for fishing; prohibited. (a) It  
5 is unlawful to possess or use on, in, or near state waters, a  
6 lay net for the purpose of taking aquatic life, except under the  
7 terms and conditions of a permit first obtained by the user from  
8 the department. The department may issue permits for the  
9 possession or use of lay nets consistent with other legal  
10 requirements.

11           (b) For the purposes of this section, "lay net" means a  
12 gill net that is deployed in the water in a specific location  
13 and retrieved from the same location after a certain time period  
14 has passed to allow for the capture of aquatic life.

15           (c) This section shall not apply to any person exercising  
16 native Hawaiian rights, customarily and traditionally exercised



1 for subsistence, cultural, and religious purposes pursuant to  
2 article XII, section 7, of the Hawaii State Constitution."

3 SECTION 2. Section 188-70, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§188-70 Penalties.** (a) Any person violating any  
6 provision of or any rule adopted pursuant to this chapter,  
7 except sections 188-23 [~~and~~], 188-39.5, and 188-\_\_\_\_, is guilty of  
8 a petty misdemeanor and, in addition to any other penalties,  
9 shall be fined not less than:

10 (1) \$100 for a first offense;

11 (2) \$200 for a second offense; and

12 (3) \$500 for a third or subsequent offense.

13 (b) Any person violating section 188-23, is guilty of a  
14 class C felony and shall be sentenced pursuant to chapter 706;  
15 provided that the environmental court, in addition to any term  
16 of imprisonment or any other terms and conditions of probation,  
17 shall order the defendant to pay a fine of not less than \$1,000.  
18 Notwithstanding section 706-669 and any other law to the  
19 contrary, any person in violation of section 188-23(b), as a  
20 first offense, shall be sentenced to a mandatory minimum period



1 of imprisonment without possibility of parole of thirty days.

2 Repeat offenders shall be sentenced pursuant to chapter 706.

3 (c) The environmental court may require the defendant to  
4 complete an aquatic resources educational class administered by  
5 the department of land and natural resources in addition to or  
6 in lieu of paying all or any part of any monetary fine  
7 authorized by this section.

8 (d) The environmental court may direct the defendant to  
9 perform community service as administered by the department of  
10 land and natural resources in lieu of paying any monetary fine  
11 authorized by this section.

12 (e) Any person violating section 188- is guilty of a  
13 misdemeanor and shall be sentenced pursuant to chapter 706;  
14 provided that an offender under section 188- shall be  
15 sentenced to a mandatory minimum period of imprisonment of one  
16 day or, for a first offense, a fine of not less than \$1,000."

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

20 SECTION 4. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on December 31,  
2 2050.



**Report Title:**

Fishing; Lay Nets; Prohibition

**Description:**

Prohibits the use of lay nets to take aquatic life, except under a permit obtained by the department of land and natural resources. Establishes the use of lay nets to take aquatic life as a misdemeanor offense with a mandatory minimum period of imprisonment of one day or, for a first offense, a fine of no less than \$1,000. Takes effect 12/31/2050. (SD1)

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

