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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, known as  
2 "mano" in the Hawaiian language, are extremely important to  
3 ocean ecosystems. As ocean predators near the top of the food  
4 chain, sharks keep the ecosystem balanced, regulate populations  
5 of other marine life, and ensure healthy fish stock and reefs.

6           The legislature also finds that sharks are more vulnerable  
7 than most other fish species. They are long-lived and slow-  
8 growing, start reproducing at an advanced age, and produce  
9 relatively few offspring per year. If the food chain is  
10 disrupted by a decline in the shark population, it affects the  
11 entire reef system. Protection for sharks ultimately means  
12 healthier, more resilient oceans and reefs that are better able  
13 to withstand other pressures on the ocean ecosystem from climate  
14 change and pollution.

15           The legislature further finds that sharks on the reefs not  
16 only play important ecological roles, but are also valued  
17 figures in Hawaiian culture. The benefits of maintaining viable



1 populations greatly outweigh any value that would be gained by  
2 killing these species.

3 The purpose of this Act is to protect sharks for their  
4 ecological value and for their value to native Hawaiian cultural  
5 practices.

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

9 "§188- Sharks; mano; prohibitions; exceptions;  
10 penalties and fines. (a) Except as provided in subsection (e),  
11 or as otherwise provided by law, no person shall knowingly  
12 capture, possess, abuse, or entangle any shark, whether alive or  
13 dead, or kill any shark, within state marine waters.

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

17 (1) \$500 for a first offense;  
18 (2) \$2,000 for a second offense; and  
19 (3) \$10,000 for a third or subsequent offense.

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



1        (1) An administrative fine of no more than \$10,000 for  
2        each shark captured, possessed, abused, entangled, or  
3        killed in violation of this section;

4        (2) Seizure and forfeiture of any captured sharks,  
5        commercial marine license, vessel, and fishing  
6        equipment; 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 shall be assessed per shark captured, possessed,  
11       abused, entangled, whether dead or alive, or killed in violation  
12       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;

16       (2) The department of land and natural resources or its  
17       designated agent if the capture, possession, abuse,  
18       entanglement, or killing is for the protection of  
19       public safety;

20       (3) Sharks taken outside of state marine waters and  
21       possessed on a vessel in state marine waters pursuant



1           to any federally managed fishery, with the required  
2           documentation of the location where the capture  
3           occurred; and

4           (4) Any person if the capture, possession, abuse,  
5           entanglement, or killing is the result of defense of  
6           the person's self or of another against death or  
7           bodily harm.

8           (f) Nothing in this section shall be construed to restrict  
9           the exercise of traditional and customary rights protected  
10           pursuant to article XII, section 7, of the Hawaii State  
11           Constitution.

12           (g) For the purposes of this section, "shark" means any  
13           species of shark within the subclass Elasmobranchii."

14           SECTION 3. Section 188-70, Hawaii Revised Statutes, is  
15           amended by amending subsection (a) to read as follows:

16           "(a) Any person violating any provision of or any rule  
17           adopted pursuant to this chapter, except sections 188-23 [and],  
18           188-39.5, and 188-\_\_\_, is guilty of a petty misdemeanor and, in  
19           addition to any other penalties, shall be fined not less than:

20           (1) \$100 for a first offense;

21           (2) \$200 for a second offense; and



1 (3) \$500 for a third or subsequent offense."

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

5 SECTION 5. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

Sharks; Prohibitions; Exemptions

**Description:**

Establishes an offense of knowingly capturing, possessing, abusing, entangling, or killing a shark in state marine waters, along with penalties and fines. Provides certain exemptions.  
(HD1)

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

