
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-living 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 from
4 intentional or malicious killing, torture, abuse, or
5 entanglement, for ecological purposes, for their value to native
6 Hawaiian cultural practices by establishing fines and penalties
7 for knowingly capturing, possessing, abusing, or entangling a
8 shark, whether alive or dead, or killing a shark, within state
9 marine waters. This Act is not intended to prohibit legitimate
10 shark research affiliated with an academic or research
11 institution that is overseen by an institutional animal care and
12 use committee, or those who unintentionally capture and
13 immediately release a shark in the course of lawful fishing.

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

17 "§188- Sharks; mano; prohibitions; exceptions; penalties
18 and fines. (a) Except as provided in subsection (e), or as
19 otherwise provided by law, no person shall knowingly capture,
20 possess, abuse, or entangle any shark, whether alive or dead, or
21 kill any shark, within state marine waters.



- 1 (b) Any person violating this section or any rule adopted
2 pursuant to this section shall be guilty of a misdemeanor;
3 provided that the fine for violating this section shall be:
- 4 (1) \$500 for a first offense;
5 (2) \$2,000 for a second offense; and
6 (3) \$10,000 for a third or subsequent offense.
- 7 (c) In addition to any other penalty imposed under this
8 section, a person violating this section shall be subject to:
- 9 (1) An administrative fine of no more than \$10,000 for
10 each shark captured, possessed, abused, entangled, or
11 killed in violation of this section;
- 12 (2) Seizure and forfeiture of any captured sharks,
13 commercial marine license, vessel, and fishing
14 equipment; and
- 15 (3) Assessment of administrative fees and costs, and
16 attorney's fees and costs.
- 17 (d) The criminal penalties and administrative fines, fees,
18 and costs shall be assessed per shark captured, possessed,
19 abused, entangled, whether dead or alive, or killed in violation
20 of this section.
- 21 (e) This section shall not apply to:



- 1 (1) Special activity permits allowed under section 187A-6
2 or research permits authorized by law; provided that
3 the research conducted is overseen by an institutional
4 animal care and use committee and has been reviewed by
5 the academic institution's designated native Hawaiian
6 cultural practitioners;
- 7 (2) The department of land and natural resources or its
8 designated agent if the capture, possession, abuse,
9 entanglement, or killing is for the protection of
10 public safety;
- 11 (3) Sharks taken outside of state marine waters and
12 possessed on a vessel in state marine waters pursuant
13 to any federally managed fishery, with the required
14 documentation of the location where the capture
15 occurred; and
- 16 (4) Any person if the capture, possession, abuse,
17 entanglement, or killing is the result of defense of
18 the person's self or of another against death or
19 bodily harm.
- 20 (f) Nothing in this section shall be construed to restrict
21 the exercise of traditional and customary rights protected



1 pursuant to article XII, section 7, of the Hawaii State
2 Constitution.

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

5 SECTION 3. 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 4. 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 5. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 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.
(SD1)

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

