

STAND. COM. REP. NO.

1050

Honolulu, Hawaii

APR 09 2021

RE: H.B. No. 553  
H.D. 2  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred H.B. No. 553, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE PROTECTION OF SHARKS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish the offense of intentionally and knowingly capturing, entangling, or killing a shark in state marine waters, and provide penalties and fines;
- (2) Provide certain exemptions; and
- (3) Allow the Department of Land and Natural Resources to establish rules to achieve certain objectives.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Animal Rights Hawai'i, Save the Sea Turtles International, Moana 'Ohana, Hawai'i Reef and Ocean Coalition, Clean the Pacific, The Humane Society of the United States, Center for Biological Diversity, Pacific Whale Foundation, Keiko Conservation, a petition signed by sixteen organizations, and fifty-one individuals. Your Committees received testimony in opposition to this measure from the Native Hawaiian Gathering



Rights Association; Hawaii Fishermen's Alliance for Conservation and Tradition, Inc; and sixteen individuals. Your Committees received comments on this measure from the Hawai'i Institute of Marine Biology.

Your Committees find that sharks are extremely important to ocean ecosystems because they keep the ecosystem balanced, regulate populations of other marine life, and ensure healthy fish stock and reefs. Your Committees further find that article XI, section 1, of the Hawaii State Constitution provides that the State "shall conserve and protect Hawai'i's natural beauty and all natural resources". This measure will provide protection for sharks by establishing and expanding prohibitions against intentionally or knowingly capturing or killing them.

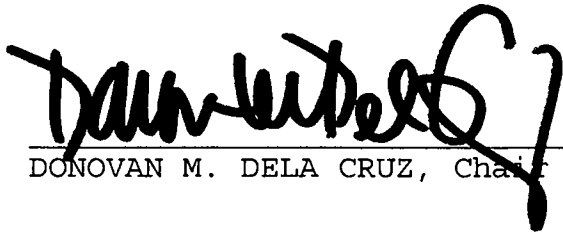
Your Committees have amended this measure by:

- (1) Removing references to subsistence fishing from the purpose section;
- (2) Changing the required state of mind for the offense to intentionally or knowingly;
- (3) Clarifying the exemption for acts of self defense or defense of another;
- (4) Clarifying that the rulemaking authority of the Department of Land and Natural Resources is not limited to the listed policy goals;
- (5) Clarifying that the incidental capture and release of sharks is not criminalized; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 553, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 553, H.D. 2, S.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committees on Judiciary and  
Ways and Means,

  
DONOVAN M. DELA CRUZ, Chair

  
KARL RHOADS, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i


**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 553, HD2, SD1	AEN/WTL, JDC/WAM	4/6/2021		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	7	0	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes

The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>HB 553, HD 2, SD 1</i>	<i>AEN/WTL, JDC/WAM</i>	<i>4/6/21</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
ENGLISH, J. Kalani	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
MORIWAKI, Sharon Y.				X
SHIMABUKURO, Maile S.L.	X			
TANIGUCHI, Brian T.	X			
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
<b>TOTAL</b>	<i>10</i>			<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

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