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# A BILL FOR AN ACT

RELATING TO THE CRIMINAL DESTRUCTION OF TREES.

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

1       SECTION 1. Chapter 708, Hawaii Revised Statutes, is  
2       amended by adding a new section to be appropriately designated  
3       and to read as follows:

4       "§708-       Criminal destruction of a tree on state or  
5       county property. (1) A person commits the offense of criminal  
6       destruction of a tree on state or county property if, by means  
7       other than fire, the person intentionally or knowingly:

8           (a) Fells, injures, or destroys a tree growing or standing  
9           upon state or county property to the point of it  
10          having no value; or

11          (b) Substantially damages the potential value of a tree  
12          growing or standing upon state or county property  
13          without the consent of the state or county on which  
14          the tree stands.

15          (2) Criminal destruction of a tree on state or county  
16          property is a misdemeanor.



1       (3) In addition to any penalty prescribed in this chapter  
2 a person found guilty of violating this section shall also be  
3 required to:

4       (a) Pay the State or county an amount equal to the  
5 replacement value of the tree as determined by a  
6 certified arborist, if the value of the tree is  
7 contested, or by the agreement of the parties;

8       (b) Pay the State or county an amount equal to the cost to  
9 replace the tree;

10       (c) Perform community service as directed by the court; or

11       (d) Perform any combination of such penalties.

12       (4) Any criminal action against a person for any violation  
13 of this section shall not be deemed to preclude the State from  
14 pursuing civil legal action to recover administrative fines,  
15 fees, and costs, including attorney's fees and costs or monetary  
16 assessments against that person.

17       (5) This section shall not apply to any state or county  
18 employee acting within the scope of employment or to any  
19 volunteer or service group that has permission to remove  
20 undesirable trees, such as hazard trees, invasive trees, or  
21 trees harming cultural sites."



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

4       SECTION 3. New statutory material is underscored.

5       SECTION 4. This Act shall take effect on July 30, 2050.



S.B. NO. 777  
S.D. 2  
H.D. 1

**Report Title:**

Criminal Destruction of Trees; State or County Property;  
Misdemeanor

**Description:**

Establishes a criminal statute for the criminal destruction of a  
tree on state or county property punishable as a misdemeanor.  
Effective 7/30/2050. (HD1)

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

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