

STAND. COM. REP. NO. 639-22

Honolulu, Hawaii

FEB 18 , 2022

RE: H.B. No. 1653
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1653, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES,"

begs leave to report as follows:

The purpose of this measure is to strengthen the penalties for violations of the State's aquatic resources law by:

- (1) Establishing a tiered administrative fine system for each specimen of aquatic life taken, killed, or injured;
- (2) Establishing a criminal fine structure on a per-specimen basis for violations involving aquatic life;
- (3) Authorizing the Department of Land and Natural Resources to recommend community service that benefits the resource damaged when a person is ordered to perform community service in lieu of a fine; and
- (4) Authorizing the Department of Land and Natural Resources to recommend to the court that defendants be restricted from entering specific geographical areas where aquatic resources may be found, including ocean waters, estuaries, rivers, and streams.

2022-1596 HB1653 HD2 HSCR HMSO



Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Kauhako Ohana Association; Mālama Pūpūkea-Waimea; Moana Ohana; Kua'āina Ulu 'Auamo; Hawai'i Fishermen's Alliance for Conservation and Tradition, Inc.; and two individuals. Your Committee received testimony in opposition to this measure from Ocean Tourism Coalition. Your Committee received comments on this measure from the Department of the Attorney General and For the Fishes.

Your Committee finds that Hawaii's aquatic resources serve significant importance to agriculture, tourism, food production, and fisheries in the State. A critical component of effective resource management is ensuring that management agencies have the appropriate enforcement tools and penalties to encourage compliance with the State's aquatic resource laws to ensure just and reasonable punishment for violations.

Your Committee has amended this measure by:

- (1) Specifying that the Department of Land and Natural Resources may recommend certain probationary terms and conditions relating to fishing activities and equipment for a defendant to the applicable court; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1653, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 1653, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,


MARK M. NAKASHIMA, Chair



