

JAN 18 2023

A BILL FOR AN ACT

RELATING TO FISHING SAFETY.

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

1 SECTION 1. The legislature finds that existing state law
2 protects fishers from harassment if they are taking fish
3 pursuant to a freshwater game fishing license. There is a need
4 to extend these protections to all persons fishing in marine
5 waters to promote the safety and enjoyment of individuals
6 engaged in fishing activities.

7 The legislature further finds that makai watch is an
8 official program of the department of land and natural
9 resources, which enhances protection of nearshore and coastal
10 resources by providing community members opportunities to work
11 and interact with resource managers and enforcement officers in
12 their community. The makai watch program plays an important
13 role as the eyes and ears of the division of conservation and
14 resources enforcement. Makai watch volunteers participate in
15 two types of activities:

- 16 (1) Observation and incident reporting; and
17 (2) Awareness raising and outreach.



1 Volunteers in the makai watch program are trained to conduct
2 these activities in a manner that does not interfere with
3 fishing activities.

4 The purpose of this Act is to:

- 5 (1) Prohibit purposeful harassment with the intent to
6 prevent the taking of fish by people who are fishing;
7 and
8 (2) Extend protections against harassment to all persons
9 fishing in marine waters.

10 SECTION 2. Section 188-71, Hawaii Revised Statutes, is
11 amended to read as follows:

12 " ~~[+]§188-71[+]~~ **Harassment of ~~[fishermen,]~~ fishers;**
13 **prohibition.** (a) No person shall intentionally prevent or
14 attempt to prevent the lawful taking of fish by a person
15 ~~[licensed pursuant to section 188-50]~~ fishing in state waters
16 by ~~[+]~~ purposely:

- 17 (1) Placing the person's self in a location in which human
18 presence may affect the behavior of fish to be taken
19 or the feasibility of taking such fish;
20 (2) Creating a visual, aural, olfactory, or physical
21 stimulus to affect the behavior of fish to be taken;



1 (3) Affecting the condition or placement of personal
2 property intended for use in the taking; or

3 (4) Obstructing the person's access to areas in which the
4 person intends to lawfully take fish[-],
5 with the intent to prevent the taking of fish.

6 (b) No person shall enter or remain upon public lands or
7 waters, or upon private lands or waters, without permission of
8 the owner or the owner's agent, with intent to violate this
9 section.

10 (c) It shall not be a violation of subsection (a) to:

11 (1) Take photographs or video recording of a person
12 engaged in the taking of fish or related activities
13 while over one hundred feet away from the person; or

14 (2) Engage in activities pursuant to the department of
15 land and natural resources' makai watch program.

16 [~~e~~] (d) The maximum penalty for violation of subsection
17 (a) or (b) is a fine of \$500, thirty days imprisonment, or
18 both."

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



S.B. NO. 66

1 SECTION 4 Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

4

INTRODUCED BY: *Maureen R. Joyce*



S.B. NO. 66

Report Title:

Harassment; Fishers

Description:

Prohibits purposeful harassment with the intent to prevent the taking of fish by persons who are fishing in state waters.

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