

ACT 86

H. B. NO. 1991-72

A Bill for an Act Relating to the Department of Agriculture and Amending Chapter 142, Hawaii Revised Statutes.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 142, Hawaii Revised Statutes, is amended by adding sections as follows:

**“Sec. 142- Enforcement; summons and citation; penalty.** Any officer or employee of the department of agriculture, authorized and designated by the board of agriculture to enforce the provisions of Part I of this chapter, and all rules and regulations promulgated and adopted by the department pursuant thereto may issue a citation and summons to any person for violation of any provision of this chapter or of any rule or regulation promulgated and adopted pursuant thereto, and shall take the name and address of such person and issue to him a summons and citation, printed in the form hereinafter described, summoning him to appear at a certain place at a time within seven days of such citation, to answer the charges against him.

**Sec. 142- Form of summons and citation.** There shall be printed a form of summons and citation for use in citing violators of Part I of this chapter

and regulations promulgated pursuant thereto. The form and contents of such summons and citation shall be as adopted or prescribed by the district courts.

In every case when a summons and citation is issued the original of the same shall be given to the accused; provided that, the district courts may prescribe the issuance to the accused of a carbon copy of the summons and citation and provide for the disposition of the original and any other copies. Every summons and citation shall be consecutively numbered and each carbon copy shall be consecutively numbered and each carbon copy shall bear the number of its respective original.

**Sec. 142- Administration of oath.** When a complaint is made to any prosecuting officer of the violation of the provisions of Part I of this chapter and all rules and regulations promulgated and adopted pursuant thereto, the officer or employee who issued the citation and summons shall subscribe to it under oath administered by another official or officials of the department of agriculture whose names have been submitted to the prosecuting officer and who have been designated by the chairman of the board of agriculture to administer the same."

SECTION 2. Section 142-12, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 142-12 Penalties.** Any and all persons knowingly and wilfully violating any of the provisions of Part I, Chapter 142, or assisting in so doing, or who purchase, take, and carry away any animals, fodder, effects, or fittings connected therewith before the same have been discharged by the department of agriculture, or knowingly and wilfully have in possession any of the same, or impede or refuse to allow the department to perform its duty, shall be fined not more than \$500 or imprisoned not more than six months, or both."

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

(Approved May 19, 1972.)