

ACT 62

S.B. NO. 889

A Bill for an Act Relating to Fishing.

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

SECTION 1. Section 188-25, Hawaii Revised Statutes, is amended to read as follows:

**“§188-25 Fishing with firearms, spears.** (a) It is unlawful for any person to pursue, take, or kill any turtle, crustacean, mollusk, aquatic mammal, or fish other than sharks in the waters of the State with firearms as defined in section 134-1 or to pursue, take, or kill any crustacean (except introduced freshwater prawns), turtle, or aquatic mammal with a spear.

[(b) After December 31, 1983, it is unlawful for any person to sell or offer to sell any fish other than sharks, u’u, uhu, and kumu taken or killed with a spear;

provided that fish may be lawfully taken or killed with a spear for home consumption only.

(c)] (b) Any crustacean, mollusk, aquatic mammal, or fish taken or killed or offered for sale in violation of this section shall be confiscated and offered as evidence. For the purpose of this section, "spear-gun" means any artificial device used to propel a spear or spears by means of compressed air or gas, elastic, spring, or any motive power.

[(d)] (c) It is unlawful for any person to take any fish by the use of spears, or have in his possession any speared fish which is smaller than the minimum size for the fish as specified in section 188-40 and any person violating this provision for the first time shall receive a citation. Any subsequent violation shall be punished as provided in section 188-70; provided that the first such subsequent violation shall be considered a first violation for the purpose of section 188-70."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved May 19, 1983.)