

ACT 152

S.B. NO. 2659

A Bill for an Act Relating to Wildlife and Game Management.

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

SECTION 1. Chapter 183D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§183D- General administrative penalties. (a) Except as otherwise provided by law, the board is authorized to set, charge, and collect administrative fines or bring legal action to recover administrative costs of the department or payment for damages or for the cost to correct damages resulting from a violation of subtitle 4 of title 12 or any rule adopted thereunder. The administrative fines shall be as follows:

- (1) For a first violation, by a fine of not more than \$10,000;
- (2) For a second violation within five years of a previous violation, by a fine of not more than \$15,000; and
- (3) For a third or subsequent violation within five years of the last violation, by a fine of not more than \$25,000.

(b) In addition, an administrative fine of up to \$5,000 may be levied for each specimen of wildlife taken, killed, injured, or damaged in violation of subtitle 4 of title 12 or any rule adopted thereunder.

(c) Any criminal action against a person for any violation of subtitle 4 of title 12 or any rule adopted thereunder shall not be deemed to preclude the State from pursuing civil legal action to recover administrative fines and costs against that person. Any civil legal action against a person to recover administrative fines and costs for any violation of subtitle 4 of title 12 or any rule adopted thereunder shall not be deemed to preclude the State from pursuing any criminal action against that person.”

SECTION 2. Section 183D-5, Hawaii Revised Statutes, is amended to read as follows:

“§183D-5 Penalties. (a) Any person violating section 183D-21, [183D-22, 183D-23, 183D-24,] 183D-25, 183D-33, or 183D-63 shall be guilty of a petty misdemeanor, and upon conviction thereof, shall be punished as follows:

- (1) For a first conviction, by a mandatory fine of not less than \$50 nor more than [\$500] \$1,000, or imprisonment of not more than thirty days, or both;
- (2) For a second conviction within five years of a previous conviction, by a mandatory fine of not less than [\$150] \$250 nor more than [\$500] \$1,000, or by imprisonment of not more than thirty days, or both, and all firearms used in the commission of such violations shall be considered contraband to be forfeited to and disposed of by the State; and
- (3) For a third or subsequent conviction within five years of the first two or more convictions, by a mandatory fine of not less than [\$300] \$1,000 [nor more than \$500], or by imprisonment of not more than thirty days, or both, and all firearms used in the commission of such violations shall

be considered contraband to be forfeited to and disposed of by the State.

(b) Any person violating section [183D-2, 183D-3,] 183D-26, 183D-27, [183D-31,] 183D-32, 183D-62, or 183D-64 shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as follows:

- (1) For a first conviction by a mandatory fine of not less than \$100 nor more than [\$1,000] \$2,000, or by imprisonment of not more than one year, or both;
- (2) For a second conviction within five years of a previous conviction, by a mandatory fine of not less than [\$250] \$500 nor more than [\$1,000] \$2,000, or by imprisonment of not more than one year, or both, and all firearms used in the commission of such violations shall be considered contraband to be forfeited to and disposed of by the State; and
- (3) For a third or subsequent conviction within five years of the first two or more convictions, by a mandatory fine of not less than [\$500] \$2,000 [nor more than \$1,000], or by imprisonment of not more than one year, or both, and all firearms used in the commission of such violations shall be considered contraband to be forfeited to and disposed of by the State.

(c) Any person who violates section [183D-34,] 183D-35, 183D-36, 183D-37, 183D-38, 183D-39, 183D-40, [183D-41,] or 183D-42 shall be guilty of a petty misdemeanor, and upon conviction thereof, shall be fined not [more] less than [\$500] \$100 nor more than \$1,000 or imprisoned not more than thirty days, or both.

(d) In addition to any other penalty imposed under this section, a mandatory fine of [\$25] \$100 shall be levied for each bird illegally taken under this chapter and a mandatory fine of [100] \$500 shall be levied for each mammal illegally taken under this chapter.

(e) Any person who is convicted of violating any of the game laws of the State shall immediately have their hunting license forfeited and any person convicted for a second offense shall not be granted a license to hunt for a period of three years after the date of the second conviction.

(f) The court, in lieu of the actual cash payment of any mandatory fine, may allow the defendant to perform such community service as directed by the department of land and natural resources at the rate of one hour of service for every \$10 of mandatory fine imposed.

(g) Any criminal action against a person for any violation of this section shall not be deemed to preclude the State from pursuing civil legal action to recover administrative fines and costs against that person. Any civil legal action against a person to recover administrative fines and costs for any violation of subtitle 4 of title 12 or any rule adopted thereunder shall not be deemed to preclude the State from pursuing any criminal action against that person."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved June 12, 1996.)

Note

1. Edited pursuant to HRS §23G-16.5.