

ACT 252

H.B. NO. 808

A Bill for an Act Relating to Shark and Ray Protection.

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

SECTION 1. Section 188-39.5, Hawaii Revised Statutes, is amended to read as follows:

**“[E]§188-39.5[]—Manta rays; Rays; hīhīmanu; hāhālua; hailepo; lupe; prohibitions, penalties, and fines.** (a) [No] Except as provided in subsection (e), no person shall knowingly capture [or kill], take, possess, abuse, or entangle a [manta] ray, whether alive or dead, or kill any ray, within state marine waters.

(b) Any person violating this section or any rule adopted pursuant to this section shall be guilty of a misdemeanor and shall be fined:

- (1) \$500 for a first offense;
- (2) \$2,000 for a second offense; and
- (3) \$10,000 for a third or subsequent offense.

(c) In addition to any other penalty imposed under this section, a person violating this section shall be subject to:

- (1) An administrative fine of not more than \$10,000 for each [manta] ray captured, taken, possessed, abused, or entangled, whether alive or dead, or killed in violation of this section;
- (2) Seizure and forfeiture of any captured [manta] rays, commercial marine license, vessel, and fishing equipment; and
- (3) Assessment of administrative fees and costs~~;~~ and attorney’s fees and costs.

(d) The criminal penalties and administrative fines and costs shall be assessed per [manta] ray captured, taken, possessed, abused, or entangled, whether alive or dead, or killed in violation of this section.

(e) This section shall not [prohibit] apply to special activity permits allowed under section 187A-6[;] or research permits authorized by law; provided

that the permit issued does not allow a take that exceeds the potential biological removal level; and provided further that the department shall adopt rules pursuant to chapter 91 to define a “take” and determine when a take exceeds the potential biological removal level.

(f) Nothing in this section shall be construed to restrict the exercise of traditional and customary rights protected pursuant to article XII, section 7, of the state constitution.

(g) For the purposes of this section, “ray” means any species of ray within the subclass elasmobranchii.”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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 Statutory material to be repealed is bracketed and stricken.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

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

(Approved July 5, 2019.)