

## ACT 92

H.B. NO. 366

A Bill for an Act Relating to Manta Rays.

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

SECTION 1. The legislature finds that manta rays are a threatened species because of poaching and commercial fishing. In 2005, a bill to prohibit the killing of manta rays was introduced but not heard by the legislature. In 2006, the state house of representatives adopted H.R. No. 30, H.D. 1, which established a working group to determine methods to protect the *batoidea* order including manta rays. Despite these earlier efforts, legislation is needed to more effectively protect manta rays.

The purpose of this Act is to establish fines and penalties for knowingly killing or capturing manta rays within state waters.

SECTION 2. Chapter 188, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§188- Manta rays; prohibitions, penalties and fines.** (a) No person shall knowingly capture or kill a manta 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 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 or killed in violation of this section.

(e) This section shall not prohibit special activity permits allowed under section 187A-6; 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 to define a “take” and determine when a take exceeds the potential biological removal level.”

SECTION 3. Section 188-70, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any person violating any provision of or any rule adopted pursuant to this chapter, [excepting section 188-23, or any rule adopted pursuant thereto,] except sections 188-23 and 188- is guilty of a petty misdemeanor and, in addition to any other penalties, shall be fined not less than:

- (1) \$100 for a first offense;
- (2) \$200 for a second offense; and
- (3) \$500 for a third or subsequent offense.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

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

(Approved June 5, 2009.)

**Note**

1. Edited pursuant to HRS §23G-16.5.