

JAN 22 1997

A BILL FOR AN ACT

RELATING TO THE KAHO`OLAWA ISLAND RESERVE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1           SECTION 1. Section 199-3, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "§199-3 Conservation and resources enforcement officers,  
4 duties; other law enforcement officers. (a) The conservation  
5 and resources enforcement officers, with respect to all state  
6 lands, including public lands, state parks, forest reserves,  
7 forests, aquatic life and wildlife areas, Kaho`olawe island  
8 reserve, and any other lands and waters subject to the  
9 jurisdiction of the department of land and natural resources,  
10 shall:

- 11           (1) Enforce title 12, [and chapter] chapters 6E[,] and 6K,  
12 and rules adopted thereunder;
- 13           (2) Investigate complaints, gather evidence, conduct  
14 investigations, and conduct field observations and  
15 inspections as required or assigned;
- 16           (3) Cooperate with enforcement authorities of the State,

- 1            counties, and federal government in development of  
2            programs and mutual agreements for conservation and  
3            resources enforcement activities within the State;  
4        (4)    Cooperate with established search and rescue agencies  
5            of the counties and the federal government in  
6            developing plans and programs, and mutual aid  
7            agreements for search and rescue activities within the  
8            State;  
9        (5)    Check and verify all leases, permits, and licenses  
10           issued by the department of land and natural  
11           resources;  
12        (6)    Enforce the laws relating to firearms, ammunition, and  
13           dangerous weapons contained in chapter 134;  
14        (7)    Whether through a specifically designated marine patrol  
15           or otherwise, enforce the rules in the areas of boating  
16           safety, conservation, and search and rescue relative to  
17           the control and management of boating facilities owned  
18           or controlled by the State, ocean waters, and navigable  
19           streams and any activities thereon or therein, and  
20           beaches encumbered with easements in favor of the  
21           public, and the rules regulating vessels and their use  
22           in the waters of the State; and  
23        (8)    Carry out such other duties and responsibilities  
24           as the board of land and natural resources from time to  
25           time may direct.

1 (b) Every state and county officer charged with the  
2 enforcement of laws and ordinances shall enforce and assist in  
3 the enforcement of title 12 [and chapter], chapters 6E and 6K,  
4 and rules adopted thereunder and in the enforcement of chapters  
5 266 and 267 and of all rules adopted thereunder."

6 SECTION 2. Section 199-5, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "§199-5 Summons or citation. There shall be a form of  
9 summons or citation for use in citing violators of title 12,  
10 [chapter] chapters 6E[,] and 6K, and rules adopted thereunder,  
11 which do not mandate the physical arrest of the violators. The  
12 summons or citation shall be printed in a form commensurate with  
13 the form of other summons or citation used in modern methods of  
14 arrest and shall be so designed to include all necessary  
15 information to make it valid and legal within the laws and rules  
16 of the State. The form and content of the summons or citation  
17 shall be adopted or prescribed by the district courts.

18 In every case where a summons or citation is issued the  
19 original of the same shall be given to the violator; provided  
20 that the district courts may prescribe the issuance to the  
21 violator of a carbon copy of the summons or citation and provide  
22 for the disposition of the original and any other copies.  
23 Every summons or citation shall be consecutively numbered and  
24 each carbon copy shall bear the number of its respective  
25 original."

1 SECTION 3. Section 199-6, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§199-6 Failure to obey a summons. Any person who fails to  
4 appear at the place and within the time specified in the summons  
5 or citation issued by the officers or their agents or  
6 subordinates, upon that person's arrest for violation of title  
7 12, [chapter] chapters 6E[,] and 6K, and rules adopted  
8 thereunder, shall be guilty of a petty misdemeanor and, upon  
9 conviction, shall be fined not more than \$500 or be imprisoned  
10 not more than thirty days, or both.

11 If any person fails to comply with a summons or citation  
12 issued, or if any person fails or refuses to deposit bail as  
13 required and within the time permitted, the officers shall cause  
14 a complaint to be entered against the person and secure the  
15 issuance of a warrant for the person's arrest.

16 When a complaint is made to any prosecuting officer of the  
17 violation of title 12, [chapter] chapters 6E[,] and 6K, and rules  
18 adopted thereunder, the officer who issued the summons or  
19 citation shall subscribe to it under oath administered by another  
20 official or officials of the department of land and natural  
21 resources whose names have been submitted to the prosecuting  
22 officer and who have been designated by the chairperson of the  
23 board of land and natural resources to administer the same."

24 SECTION 4. Section 199-7, Hawaii Revised Statutes, is  
25 amended by amending subsection (a) to read as follows:

13           SECTION 5. Statutory material to be repealed is bracketed.  
14   New statutory material is underscored.

16  
17  
18  
19  
20  
21  
22  
23  
24  
25

By Request