

2010 Hawaii Code
DIVISION 1. GOVERNMENT
TITLE 11. AGRICULTURE AND ANIMALS
150A. Plant and Non-Domestic Animal Quarantine and
Microorganism Import
§150A-14 Penalty.

Universal Citation: HI Rev Stat § 150A-14 (2010 through Reg Sess)

§150A-14 Penalty. (a) Any person who violates any provision of this chapter other than sections 150A-5, 150A-6(3), and 150A-6(4) or who violates any rule adopted under this chapter other than those rules involving an animal that is prohibited or a plant, animal, or microorganism that is restricted, without a permit, shall be guilty of a misdemeanor and fined not less than \$100. The provisions of section 706-640 notwithstanding, the maximum fine shall be \$10,000. For a second offense committed within five years of a prior offense, the person or organization (b) Any person who violates section 150A-5 shall be guilty of a petty misdemeanor and fined not less than \$50 and not more than \$5,000. For a second offense committed within five years of a prior offense, the person may be fined not less than \$250 and not more than \$15,000.

(c) Any person who:

(1) Violates section 150A-6(3) or 150A-6(4), or owns or intentionally transports, possesses, harbors, transfers, or causes the importation of any snake or other prohibited animal seized under section 150A-7(b), or whose violation involves an animal that is prohibited or a plant, animal, or microorganism that is restricted, without a permit, shall be guilty of a misdemeanor and subject to a fine of not less than \$5,000, but not more than \$20,000;

(2) Intentionally transports, harbors, or imports with the intent to propagate, sell, or release any animal that is prohibited or any plant, animal, or microorganism that is restricted, without a permit, shall be guilty of a class C felony and subject to a fine of not less than \$50,000, but not more than \$200,000; or

(3) Intentionally imports, possesses, harbors, transfers, or transports, including through interisland or intraisland movement, with the intent to propagate, sell, or release, any pest designated by statute or rule, unless otherwise allowed by law, shall be guilty of a class C felony and subject to a fine of not less than \$50,000, but not more than \$200,000.

(d) Whenever a court sentences a person or organization pursuant to subsection (a) or (c) for an offense which has resulted in the escape or establishment of any pest and caused the department to initiate a program to capture, control, or eradicate that pest, the court shall also require that the person or organization pay to the state general fund an amount of money to be determined in the discretion of the court upon advice of the department, based upon the cost of the development and implementation of the program.

(e) The department may, at its discretion, refuse entry, confiscate, or destroy any prohibited articles or restricted articles that are brought into the State without a permit issued by the department, or order the return of any plant, fruit, vegetable, or any other article infested with pests to its place of origin or otherwise dispose of it or such part thereof as may be necessary to comply with this chapter. Any expense or loss in connection therewith shall be borne by the owner or the owner's agent.

(f) Any person or organization that voluntarily surrenders any prohibited animal or any restricted plant, animal, or microorganism without a permit issued by the department, prior to the initiation of any seizure action by the department, shall be exempt from the penalties of this section.

(g) For purposes of this section, "intent to propagate" shall be presumed when the person in question is found to possess, transport, harbor, or import:

(1) Any two or more animal specimens of the opposite sex that are prohibited or restricted, without a permit, or are a pest designated by statute or rule;

(2) Any three or more animal specimens of either sex that are prohibited or restricted, without a permit, or are a pest designated by statute or rule;

(3) Any plant or microorganism having the inherent capability to reproduce and that is restricted, without a permit; or

(4) Any specimen that is in the process of reproduction. [L 1985, c 133, §9; am L 1990, c 243, §7; am L 1991, c 104, §2; am L 1992, c 229, §5; am L 1998, c 222, §1; am L 2000, c 211, §§8 to 10; am L 2008, c 101, §2; am L 2010, c 128, §2]

Revision Note

Subsection (g) redesignated pursuant to §23G-15(1).