

State Law Consequences

POSSIBLE CRIMINAL CHARGES: Below is a non-exhaustive list of state criminal offenses that can be charged if committed at the Nawiliwili Harbor, along with the applicable penalties:

Assault Against a Law Enforcement Officer: Any person who intentionally, knowingly or recklessly causes bodily injury to a law enforcement officer while the officer is engaged in the performance of official duties. Penalties start at a mandatory 30 days in jail and may go up to 5 years in prison and/or a fine of \$10,000, if a weapon was used.

Assault: Any person who intentionally, knowingly or recklessly causes bodily injury to another person. Penalties start at possible maximums of one year in jail and/or a fine of \$2,000 and may go up to 10 years in prison and/or a fine of \$25,000 depending on the severity of the injuries caused and whether a weapon was used.

Obstructing Government Operations: Any person who intentionally obstructs, impairs, or hinders the performance of a governmental function by using or threatening to use violence, force, or physical interference or obstacle. Penalties are up to one year in jail and/or \$2,000 in fines.

Disorderly conduct: Any person, with intent to cause physical inconvenience or alarm to a member of the public, engages in violent or tumultuous behavior, makes unreasonable noise, makes a gesture or utters abusive language so as to provoke a violent response, or creates a hazardous or physically offensive condition. Penalties range from up to a \$1,000 fine and may be up to 30 days in jail and/or a \$1,000 fine if the person persists in his conduct after a reasonable warning or the conduct is committed with an intent to cause serious harm or serious inconvenience.

Terroristic Threatening: Any person who, with the intent to terrorize, threatens by word or conduct to cause bodily injury to another person, serious damage to the property of another, or to commit a felony. Penalties start at possible maximums of one year in jail and/or a fine of \$2,000 and may go up to a maximum of five years and/or a fine of \$10,000, depending on whether a weapon was used and whether a government employee was threatened.

Trespass: Any person who knowingly enters or remains unlawfully upon a premises. The penalty is up to a \$1,000 fine.

Criminal Property Damage: Any person who intentionally damages the property of another. Penalties range from up to 30 days and/or a fine of \$1,000, up to five years in prison and/or a fine of \$10,000, depending on the extent of the damage, along with restitution for the damages caused.

Failure to disperse: Failure on the part of six or more people who are disorderly, to disperse after an order from a peace officer. The penalties are up to one year in jail and/or a fine of \$2,000.

Harassment Any person, who with the intent to harass, annoy, or alarm another person, touches another person in an offensive manner, or insults, taunts or challenges another person in a manner likely to provoke an immediate violent response or would cause the other person to reasonably believe that bodily injury or damage to property may result. The penalties are up to 30 days in jail and or a fine of \$1,000.

Hindering Prosecution: Any person who, with the intent to hinder the apprehension or prosecution of another, prevents or obstructs by means of force, deception, or intimidation, anyone from performing an act that might aid in the apprehension or prosecution of such person. The penalties are up to one year in jail and or a fine of \$2,000.

Endangering The Welfare of a Minor: Any person who, being a parent guardian, or other person whether or not charged with the care or custody of a minor, knowingly endangers, the minor's physical or mental welfare by violating or interfering with any legal duty of care or protection owed such minor. The penalties are up to one year in jail and/or a fine of \$2,000.

Obstructing: Any person, who having no legal privilege to do so, knowingly or recklessly obstructs any highway or public passange, whether alone or with others. The penalty is a fine of up to \$1,000.

Refusal to Provide Ingress or Egress: Any person who is directed to move by a law enforcement officer so as to provide and maintain a free and unobstructed passageway for persons and vehicles going into or out of any public or private place, and refuses to move. The penalties may be up to six months in jail and a fine of \$200.

POSSIBLE INVESTIGATION INTO THREATENED HARM TO A CHILD

If your conduct places a child into a dangerous situation, such as placing a child in a Coast Guard Security Zone or in the course of a vessel, the Department of Human Services could investigate you for such conduct, including pursuant to Hawaii Revised Statutes Chapter 587, the Child Protection Act.

Summary of Consequences

For Violation Of USCG Security Zone

Nawiliwili Harbor in Kaua`i, Hawai`i

Violation of the Security Zone may result
in any or all of the following CONSEQUENCES:

- **Federal Criminal Prosecution For (non-exhaustive list):**
 - *Failure to comply with orders related to the security zone:* Any person who knowingly fails to comply with any regulation or rule issued or order given related to the security zone, or knowingly obstructs or interferes with the enforcement of the security zone may be punished by imprisonment for up to 10 years and may, at the discretion of the court, be fined up to \$10,000.
 - *Knowing violation of the security zone and or injuring an enforcement officer:* Any person who willfully and knowingly violates the security zone commits a class D felony and any person who, in the willful and knowing violation of the security zone uses a dangerous weapon, or engages in conduct that causes bodily injury or fear of imminent bodily injury to any officer authorized to enforce the zone commits a class C felony.
 - *Failure to heave to or forcibly interfering with a law enforcement action authorized by any Federal law:* 18 U.S.C. § 2237 makes it a felony for a master, operator or person in charge of a vessel to knowingly fail to obey an order by authorized Federal law enforcement officers to heave to the vessel and/or to forcibly resist, oppose, prevent, impede, intimidate, or interfere with a boarding or other law enforcement action authorized by any Federal law or to resist a lawful arrest. Any person who intentionally violates this section shall be fined under this title or imprisoned for not more than 5 years or both.
 - *Destruction of, or Interference with, Vessels or Maritime Facilities:* 18 U.S.C. § 2291 makes it a felony to interfere by force or violence with the operation of any maritime facility if such action is likely to endanger the safety of any vessel in navigation. Any person who knowingly violates this section shall be shall be fined under this title or imprisoned not more than 20 years, or both. Whoever knowingly and intentionally imparts or conveys any threat to do an act which would violate § 2291, with an apparent determination and will to carry the threat into execution, shall be fined under this title or imprisoned not more than 5 years or both, and is liable for all costs incurred as a result of such threat.
- **Federal Seizure of Property for Civil and/or Criminal Forfeiture:** Any vessel, including surfboards, kayaks, and canoes, that is used in violation of the security zone may be immediately seized and forfeited and/or may be seized in an action commenced in a U.S. District Court to collect any issued civil penalty that is not paid.
- **Federal Civil Penalties:** Any person who violates the security zone may be liable for a civil penalty of up to \$32,500. Each day of a continuing violation constitutes a separate violation.
- **Immediate Arrest for Any Outstanding, Wants or Warrants.**