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## A BILL FOR AN ACT

RELATING TO WILDLIFE.

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

1           SECTION 1. The legislature finds that it is important to  
2 preserve, protect, and conserve Hawaii's wildlife. The  
3 department of land and natural resources, under chapter 183D,  
4 Hawaii Revised Statutes, is authorized to manage and administer  
5 the wildlife and wildlife resources of the State, including  
6 enforcing laws relating to protecting, taking, hunting, killing,  
7 propagating, or increasing the wildlife within the State.

8           Body crushing traps are devices used mainly for the lethal  
9 trapping of small game mammals. Originally intended to be an  
10 "instant killing" device, body crushing traps are designed to  
11 snap shut in a scissor-like fashion on an animal's spinal column  
12 at the base of the skull. Foot and leg-hold traps spring closed  
13 when an animal steps on them. Because it is impossible to  
14 control the size, species, and direction of the animal entering  
15 the traps, many animals do not die quickly when trapped, and  
16 instead endure prolonged suffering and eventual death.

17           A study released in 1997 by the International Association  
18 of Fish and Wildlife Agencies confirmed that a body crushing



1 trap often does not kill trapped animals instantly, and the trap  
2 is often cited as a device that causes inhumane treatment and  
3 cruelty to animals. Domestic animals are frequent victims of  
4 body crushing traps, and there are numerous reported cases of  
5 dogs and cats found dead or severely injured after being caught  
6 in these devices. Since existing laws and administrative rules  
7 do not prohibit or regulate the use of body crushing traps or  
8 snares, both are easily purchased on the Internet.

9 The purpose of this Act is to prohibit the use of body  
10 crushing traps, snares, and non-padded or non-laminated foot or  
11 leg-hold traps, regulate the use of snares and foot or leg-hold  
12 traps, and establish penalties for violations.

13 SECTION 2. Chapter 183D, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16 "§183D- Wildlife; body crushing traps; foot or leg-hold  
17 traps; snares; prohibited activities; penalties. (a) No person  
18 shall knowingly, intentionally, or recklessly use, set, or  
19 maintain:

20 (1) A body crushing trap;

21 (2) A foot or leg-hold trap that is not padded or  
22 laminated; or



1       (3) A snare in an area zoned as residential or any other  
2           area prohibited by law or rule, to hunt, capture, or  
3           kill any animal.

4       (b) Any person using a snare or padded or laminated foot  
5 or leg-hold trap to hunt, capture, or kill any animal shall:

6       (1) Possess a valid hunting license or permit issued by  
7           the department, or written authorization issued by the  
8           board, and shall attend any training required by the  
9           department and abide by all rules adopted pursuant to  
10          this section;

11       (2) Have a metal identification tag, affixed at all times  
12           during use, to the snare or foot or leg-hold trap with  
13           the person's name and contact phone number; and

14       (3) Check the snare or foot or leg-hold trap a minimum of  
15           once every twenty-four hours once the trap is set and,  
16           upon request, present written documentation to the  
17           department verifying when and by whom the snare or  
18           trap was checked.

19       (c) Any dog or cat captured using any snare or foot, leg-  
20 hold, or body crushing trap shall be immediately checked for  
21 identification and reported to the designated county animal



1 control contractor and, upon request, be turned over to the  
2 designated animal control contractor.

3 (d) Exemptions:

4 (1) This section shall not apply to state or federal  
5 agencies acting pursuant to a mandatory statutory duty  
6 for the protection of species listed as threatened or  
7 endangered, or other wildlife species protected by  
8 law;

9 (2) Subsection (b) (3) shall not apply to state, federal,  
10 or private conservation agencies trapping feral or  
11 injurious species in remote areas for conservation  
12 purposes; provided that the agency first obtains a  
13 written waiver of the twenty-four hour snare and trap  
14 check requirement from the department stating the  
15 grounds for the waiver and the new time interval  
16 within which the snare or foot or leg-hold trap shall  
17 be checked; and

18 (3) This section shall not apply to accepted practices for  
19 rodent control.

20 (e) Any person violating this section or any rule adopted  
21 pursuant to this section shall be guilty of a misdemeanor under  
22 section 183D-5(b).



1        (f) The department shall adopt rules pursuant to chapter  
2 91 to carry out the purposes of this section."

3        SECTION 3. Section 183D-1, Hawaii Revised Statutes, is  
4 amended by adding three new definitions to be appropriately  
5 inserted and to read as follows:

6        "Body crushing trap" means a contrivance consisting of  
7 metal or steel, other than a snare or foot or leg-hold trap,  
8 designed to kill by crushing the body or severing the spinal  
9 cord of any animal, including game, game birds, game mammals,  
10 predators, wild birds, wildlife, or wild mammals.

11        "Foot or leg-hold trap" means a contrivance consisting of  
12 metal or steel which is designed to capture and hold any animal  
13 including game, game birds, game mammals, predators, wild birds,  
14 wildlife, or wild mammals, by a foot or limb.

15        "Snare" means a contrivance consisting of a noose,  
16 regardless of material, designed to capture, trap, or kill any  
17 animal, including game, game birds, game mammals, predators,  
18 wild birds, wildlife, or wild mammals."

19        SECTION 4. Section 183D-5, Hawaii Revised Statutes, is  
20 amended by amending subsection (b) to read as follows:

21        "(b) Any person violating section 183D-25.5, 183D-26,  
22 183D-27, 183D-32, 183D-62, [~~or~~] 183D-64, or 183D- shall be



1 guilty of a misdemeanor, and upon conviction thereof, shall be  
2 punished as follows:

3 (1) For a first conviction by a mandatory fine of not less  
4 than \$200, or by imprisonment of not more than one  
5 year, or both;

6 (2) For a second conviction within five years of a  
7 previous conviction, by a mandatory fine of not less  
8 than \$1,000, or by imprisonment of not more than one  
9 year, or both, and all firearms, snares, or traps used  
10 in the commission of such violations shall be  
11 considered contraband to be forfeited to and disposed  
12 of by the State; and

13 (3) For a third or subsequent conviction within five years  
14 of the first two or more convictions, by a mandatory  
15 fine of not less than \$2,000, or by imprisonment of  
16 not more than one year, or both, and all firearms,  
17 snares, or traps used in the commission of such  
18 violations shall be considered contraband to be  
19 forfeited to and disposed of by the State."

20 SECTION 5. This Act does not affect rights and duties that  
21 matured, penalties that were incurred, and proceedings that were  
22 begun before its effective date.



# H.B. NO. 579

1 SECTION 6. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect upon its approval.  
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INTRODUCED BY:

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JAN 21 2011



**Report Title:**

Wildlife; Traps; Snares

**Description:**

Prohibits the use of body crushing traps and non-padded or non-laminated foot or leg-hold traps and provides exemptions, regulates the use of snares and padded or laminated foot or leg-hold traps and provides exemptions, and establishes penalties for violations.

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