
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, [œ] 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.



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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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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