
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 and foot or leg-hold traps, regulate the use of
 11 snares, and establish penalties for violations.

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

15 "§183D- Wildlife; body-crushing traps; foot or leg-hold
 16 traps; snares; prohibited activities; penalties. (a) No person
 17 shall knowingly, intentionally, or recklessly use, set, or
 18 maintain:

- 19 (1) A body-crushing trap; or
- 20 (2) A foot or leg-hold trap, also known as a steel-jaw
 21 leghold trap.



1 (b) Any person using a snare to hunt, capture, or kill any
2 animal shall:

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

8 (2) Have a metal identification tag, affixed at all times
9 during use, to the snare with the person's name and
10 contact phone number; and

11 (3) Check the snare a minimum of once every forty-eight
12 hours once the snare is set and, upon request, present
13 written documentation to the department verifying when
14 and by whom the snare was checked; provided that this
15 paragraph shall not apply to private conservation
16 agencies conducting activities that are recognized and
17 approved by the department, or to agricultural land
18 managers to protect crops and livestock.

19 (c) Any dog or cat captured using any snare shall be
20 immediately checked for identification and reported to the
21 designated county animal control contractor and, upon request,
22 be turned over to the designated animal control contractor.



- 1 (d) This section shall not apply to:
- 2 (1) State or federal agencies acting pursuant to a
- 3 mandatory statutory duty for the protection of species
- 4 listed as threatened or endangered, or other wildlife
- 5 species protected by law, or for the protection of
- 6 public health, safety, or property; and
- 7 (2) Accepted practices for rodent or mongoose control.
- 8 (e) Any person violating this section or any rule adopted
- 9 pursuant to this section shall be guilty of a misdemeanor under
- 10 section 183D-5(b).
- 11 (f) The department shall adopt rules pursuant to chapter
- 12 91 to carry out the purposes of this section."

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

16 "Body-crushing trap" means a contrivance consisting of
 17 metal or steel, other than a snare or foot or leg-hold trap,
 18 designed to kill by crushing the body or severing the spinal
 19 cord of any animal, including game, game birds, game mammals,
 20 predators, wild birds, wildlife, or wild mammals.

21 "Foot or leg-hold trap" means a contrivance consisting of
 22 metal or steel which is designed to capture and hold any animal



1 including game, game birds, game mammals, predators, wild birds,
2 wildlife, or wild mammals, by a foot or limb.

3 "Snare" means a contrivance consisting of a noose,
4 regardless of material, designed to capture, trap, or kill any
5 animal, including game, game birds, game mammals, predators,
6 wild birds, wildlife, or wild mammals."

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

9 "(b) Any person violating section 183D-25.5, 183D-26,
10 183D-27, 183D-32, 183D-62, [~~or~~] 183D-64, or 183D- shall be
11 guilty of a misdemeanor, and upon conviction thereof, shall be
12 punished as follows:

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

16 (2) For a second conviction within five years of a
17 previous conviction, by a mandatory fine of not less
18 than \$1,000, or by imprisonment of not more than one
19 year, or both, and all firearms, snares, or traps used
20 in the commission of such violations shall be
21 considered contraband to be forfeited to and disposed
22 of by the State; and



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

8 SECTION 5. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 6. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 7. This Act shall take effect upon its approval.

Report Title:

Wildlife; Traps; Snares

Description:

Prohibits the use of body-crushing traps or foot or leg-hold traps and provides exemptions. Regulates the use of snares and provides exemptions. Defines body-crushing trap, foot or leg-hold trap, and snare. Establishes penalties for violations.

(HB579 HD1)

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