

Honolulu, Hawaii

FEB 17 2012

RE: S.B. No. 2647
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Public Safety, Government Operations, and Military Affairs, to which was referred S.B. No. 2647 entitled:

"A BILL FOR AN ACT RELATING TO FIREARMS,"

begs leave to report as follows:

The purpose and intent of this measure is to enact a new definition in the firearms law to define "place of formal hunting" to mean an area on state or federal land where hunting is permitted or an area on private land only where the landowner has granted written permission to an individual to use the land for hunting or target shooting, and to amend all relevant statutes relating to hunting with a firearm.

Your Committee received testimony in support of this measure from W. H. Shipman, Ltd.; Hawaii Cattlemen's Council, Inc.; and one individual. Testimony in opposition to this measure was received from the Department of Land and Natural Resources and Office of Hawaiian Affairs.

Your Committee finds that this measure addresses a safety issue to farmers and ranchers and their families and workers. Persons hunting illegally can verbally inform anyone that permission was obtained from the owner or the owner's representative. Testimony indicated that existing provisions in the law are inadequate to deter persons with firearms from trespassing on lands and potentially causing bodily injury to others and damage to property, livestock, and crops. Testimony indicated that this problem is particularly serious on the Big



Island where ranches with large acreage find it impracticable and nearly impossible to monitor thousands of acres of land; particularly at night when poachers appear to kill or steal livestock.

Your Committee has amended this measure by:

- (1) Clarifying the definition of "place of formal hunting" to mean an area on private or public land where the landowner has granted written permission to an individual to use the land for hunting or target shooting;
- (2) Making it a misdemeanor to violate any provision relating to a place of formal hunting, in order to make it clear that it is not a felony, as is the case with violating certain other firearms laws;
- (3) Making amendments to chapter 183D, Hawaii Revised Statutes, relating to wildlife, to accommodate hunting in a place of formal hunting by requiring written permission by the landowners in addition to a hunting license, and to repeal the provision requiring certain procedures to enforce the law on prohibiting hunting on private lands, on the recommendation of the Department of Land and Natural Resources and the Hawaii Farm Bureau Federation;
- (4) Amending the crime of criminal trespass in the first degree to add the element of entering or remaining unlawfully on private property at night while in the possession of a firearm and deleting a requirement that premises in which a person possessing a firearm knowingly enters or remains unlawfully in or upon must be fenced or enclosed; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Government Operations, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2647, as amended herein, and recommends that it pass Second Reading in the form



attached hereto as S.B. No. 2647, S.D. 1, and be referred to the
Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Government Operations, and
Military Affairs,

Will Espero

WILL ESPERO, Chair



