
From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 23, 2012 6:13 PM
To: JDLTestimony
Cc: hooluanaranch@yahoo.com
Subject: Testimony for SB2647 on 2/24/2012 9:30:00 AM

Testimony for JDL 2/24/2012 9:30:00 AM SB2647

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Luana Beck
Organization: Individual
E-mail: hooluanaranch@yahoo.com
Submitted on: 2/23/2012

Comments:

A BILL FOR AN ACT

RELATING TO FIREARMS.

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

SECTION 1. The legislature finds that existing provisions in the law are inadequate to deter persons with firearms from trespassing on lands and causing bodily injury to others or damage to property, livestock, and crops. These occurrences have been especially egregious on farms and ranches where valuable livestock has been stolen, maimed, and slaughtered, ranchers have been threatened, and criminals have made a mockery of the legal system.

Current law already requires hunters to obtain permission from private landowners before entering private property but clarification in the law is necessary to enable law enforcement officials to effectively enforce the provision. The purpose of this Act is to require those who wish to access private land for hunting to obtain written permission from the landowner. The Act will also clarify that trespassing on private property at night while wielding a firearm is a misdemeanor.

SECTION 2. Section 134-5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) Any person of the age of sixteen years, or over or any person under the age of sixteen years while accompanied by an adult, may carry and use any lawfully acquired rifle or shotgun and suitable ammunition while actually engaged in hunting or target shooting or while going to and from the place of hunting or target shooting; provided that the person has procured a hunting license under chapter 183D, part II[.] and has obtained written permission from the landowner of the privately owned land to hunt on that land. A hunting license shall not be required for persons engaged in target shooting."

2. By amending subsection (c) to read:

"(c) A person may carry unconcealed and use a lawfully acquired pistol or revolver while actually engaged in hunting game mammals, if that pistol or revolver and its suitable ammunition are acceptable for hunting by rules adopted pursuant to section 183D-3 and if that person is licensed pursuant to part II of chapter 183D[.] and has obtained written permission from the landowner of the privately owned land to hunt on that land. The pistol or revolver may be transported in an enclosed container, as defined in section 134-25 in the course of going to and from the place of the hunt, notwithstanding section 134-26."

SECTION 3. Section 183D-21, Hawaii Revised Statutes, is amended as follows:

§183D-21 Hunting licenses required. No person shall carry a firearm and hunt, pursue, kill, or take any game bird or mammal

without first procuring a hunting license, and, if hunting on private land, written permission from the landowner; provided that section 183D-32 to the contrary notwithstanding, no license shall be required of persons who may be authorized in writing by the board to destroy game birds or game mammals injurious to forest growth or agriculture, or that constitute a nuisance or a health hazard.

SECTION 4. Section 183D-25, Hawaii Revised Statutes, is amended as follows:

§183D-25 Licenses, written permission; display thereof.

No person to whom a hunting license has been issued shall permit any other person to carry, display, or use the license in any way. Every person to whom a hunting license has been issued and every person to whom written permission to hunt on private land with a firearm has been granted shall physically possess the license and written permission when hunting and shall show the license and written permission upon the demand of any officer authorized to enforce the game laws of the State. No person, upon the request of an officer, shall refuse to show the license or written permission or withhold permission to inspect the person's game bag, container, hunting coat or jacket, or carrier, or vehicle of any kind where game might be concealed.

SECTION 5. Section 183D-26, Hawaii Revised Statutes, is amended as follows:

"(a) No person shall enter upon any land or premises belonging to, held, or occupied by another, for the purpose of hunting with a firearm or other methods or to take any kind of

wildlife including game without first having obtained written permission from the owner or a duly appointed agent, if the owner is the occupier or holder, or if the owner has let another occupy or hold the same, without having first obtained the permission of the occupier or holder thereof, or the duly appointed agent of the occupier or holder.

~~[(b) No prosecution shall be brought under this section, except upon the sworn complaint of the owner, occupier, or holder of the land or premises, or a duly appointed agent, or if the owner, occupier, or holder is either a corporation or a partnership, then the complaint shall be sworn to by an officer of the corporation or by one of the members of the partnership."]~~

SECTION 6. Section 708-813, Hawaii Revised Statutes, is amended as follows:

§708-813 Criminal trespass in the first degree. (1) A person commits the offense of criminal trespass in the first degree if:

(a) That person knowingly enters or remains unlawfully:

(i) In a dwelling; or

(ii) In or upon the premises of a hotel or apartment building;

(b) That person:

(i) Knowingly enters or remains unlawfully in or upon premises ~~[that are fenced or enclosed in a manner designed to exclude intruders]~~; and

(ii) Is in possession of a firearm, as defined in section 134-1, at the time of the intrusion; or

(c) That person:

(i) Enters or remains unlawfully on private property at night; and

(ii) Is in possession of a firearm, as defined in section 134-1, at the time of the intrusion; or

(d) That person enters or remains unlawfully in or upon the premises of any public school as defined in section 302A-101, or any private school, after reasonable warning or request to leave by school authorities or a police officer; provided however, such warning or request to leave shall be unnecessary between 10:00 p.m. and 5:00 a.m.

(2) Criminal trespass in the first degree is a misdemeanor.

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 8. This Act shall take effect on July 1, 2012.

INTRODUCED BY: _____