

SR 39,
SD1



SR39 SD1
**URGING THE ADOPTION OF LAWS TO REQUIRE WRITTEN PERMISSION FROM THE
LANDOWNER IN ORDER TO HUNT ON PRIVATE LANDS AND TO AMEND CRIMINAL
TRESPASSING LAWS TO ADDRESS HUNTING SITUATIONS.**

Senate Committee on Judiciary & Labor

April 11, 2012

10:30 a.m.

Room 016

The Office of Hawaiian Affairs (OHA) **OPPOSES** SR39 SD1, which would urge the adoption of laws to require written permission from the landowner in order to hunt on private lands and amend criminal trespassing laws to address hunting situations.

Many Native Hawaiians currently practice hunting for subsistence and other purposes as a traditional and customary practice. The Hawai'i Constitution, Supreme Court, and this Legislature consistently protect the perpetuation of these historic practices as a living component of the Hawaiian culture. Requiring Native Hawaiian practitioners to obtain written permission from private landowners prior to engaging in these practices and heightening criminal penalties would unduly burden the practices and, in some areas, could regulate them out of existence.

Hunting remains an important cultural and subsistence practice for many Native Hawaiians in rural regions. For example, a report issued by the Governor's Moloka'i Subsistence Task Force found that Hawaiian families on Moloka'i continue to rely heavily upon subsistence to supplement meager incomes, deriving 38% of their food from these activities. These practices rely primarily upon wildlife game that is abundant on privately owned land because the game on public lands is too scarce to be hunted. This report revealed that subsistence activities, including hunting, were also critical to the persistence of Hawaiian cultural customs and values.

OHA appreciates the desire to protect property rights and ensure the safety of all citizens of Hawai'i. However, the laws envisioned by this resolution reach too broadly by requiring prior permission from private landowners. Such requirements do not consider the difficulty most will find in attempting to obtain such permission. Much of Hawai'i's land is owned by large landowner corporations whose offices may exist on a different island from the land in question, and most landowners—even if they know hunting currently takes place on their land—would not open themselves to the liability inherent in conferring written permission for hunters to bear and use firearms on their properties.

Additionally, this bill presents many practical concerns for practitioners on the ground. The boundaries between public and private property in forested and undeveloped areas are rarely clearly marked. Also, although the Constitution broadly protects these activities, practitioners in the field could still experience a chilling effect, as they cannot be assured that agents enforcing this law properly understand the complex legal authority protecting their practices. Moreover, such laws would place the burden upon Native Hawaiian practitioners to legally defend themselves and their lawful actions.

In light of all these concerns, OHA urges the committee to HOLD SR39. Mahalo for the opportunity to testify on this important measure.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: warrenmcfb@hotmail.com
Subject: Testimony for SR39 on 4/11/2012 10:30:00 AM
Date: Tuesday, April 10, 2012 10:07:23 AM

Testimony for JDL 4/11/2012 10:30:00 AM SR39

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Warren Watanabe
Organization: MCFB
E-mail: warrenmcfb@hotmail.com
Submitted on: 4/10/2012

Comments:



TESTIMONY BEFORE THE COMMITTEE ON JUDICIARY
AND LABOR

SENATE RESOLUTION 39, SD1
URGING THE ADOPTION OF LAWS TO REQUIRE WRITTEN
PERMISSION TO HUNT ON PRIVATE LANDS

PRESENTED TO THE TWENTY-SIXTH LEGISLATURE

APRIL 2012

CHAIRPERSON CLAYTON HEE and Members of the Committee:

STRONG SUPPORT.

My name is Loren Mochida, Director of Agricultural Operations at W. H. Shipman, Limited in Keaau on the Big Island. We are a local kamaaina-family owned land management company that is engaged in Agriculture and Commercial/Industrial development and leasing. We currently lease lands to over 130 individually growers at W.H. Shipman, Ltd.

W. H. Shipman, Ltd., and their growers provide strong support to SR 39, SD1, Urging The Adoption of Laws to Require Written Permission to Hunt on Private Lands. This Resolution urging the adoption of laws to require written permission from the landowner in order to hunt on private lands for those who wish to access private land for hunting or other legitimate purposes. Presently there are no procedures to control illegal hunters on private lands.

This is a safety issue to the farmers and ranchers and their families and workers. Illegal hunters can verbally tell anyone that they obtained permission from the owners or the owner's representative. 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.



Thank you very much for the opportunity to provide testimony on SR 39, SD1.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: rittew@hotmail.com
Subject: Testimony for SR39 on 4/11/2012 10:30:00 AM
Date: Monday, April 09, 2012 4:04:55 PM

Testimony for JDL 4/11/2012 10:30:00 AM SR39

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: walter Ritte
Organization: Individual
E-mail: rittew@hotmail.com
Submitted on: 4/9/2012

Comments:

I am a Hawaiian, this resolution will have a negative impact on my constitutional rights of access and gathering. I am in strong opposition.