

Honolulu, Hawaii

February 28, 2014

RE: H.B. No. 2183  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2183 entitled:

"A BILL FOR AN ACT RELATING TO THE PENAL CODE,"

begs leave to report as follows:

The purpose of this measure is to make it unlawful for any person to import, sell, offer to sell, or possess with intent to sell any ivory product and to establish the Department of Land and Natural Resources as the enforcing agency.

The Office of the Prosecuting Attorney of the County of Kauai, The Humane Society of the United States - Humane Society International, Natural Resources Defense Council, Born Free USA, Animal Rights Hawaii, and a multitude of concerned individuals testified in support of this measure. Numerous concerned individuals testified in opposition to this bill.

Your Committee has amended this measure by:

- (1) Removing the Department of Land and Natural Resources as the enforcing agency and making conforming amendments throughout the bill, including deleting attendant enforcement and rulemaking authority, and the administrative penalty scheme;



- (2) Placing the proposed chapter into the Hawaii Penal Code to establish the offense of Unlawful Sale or Trade of Ivory Products;
- (3) Clarifying that the definition of "ivory product" applies to the raw or worked ivory teeth or tusks of a specified list of wildlife species regardless of the age of the ivory;
- (4) Adding a definition of "person" that includes businesses or corporate entities;
- (5) Removing the presumption that the possession of ivory products in a retail or wholesale outlet is evidence of possession with intent to sell;
- (6) Clarifying that the criminal remedy is not intended to prohibit or impair any civil or administrative process or penalty available under law or equity; and
- (7) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2183, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2183, H.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



