
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 there is broad
2 consensus that the trafficking of animals threatened with
3 extinction continues to grow at an alarming pace, threatening an
4 increasing variety of animal species. These species are
5 threatened with extinction in large part due to the trafficking
6 of their parts and products. The National Strategy for
7 Combating Wildlife Trafficking, released in February 2014,
8 recognized the important role that states have in protecting
9 species that are subject to illegal wildlife trade. Federal law
10 regulates the transfer or importation of parts or products made
11 from endangered animal species, but because of increasing demand
12 for these products around the world, state authority needs to be
13 aligned with federal and international laws to appropriately
14 regulate these markets on a local level.

15 The legislature finds that in September 2015, the United
16 States and China announced a cooperative effort to take
17 comprehensive action to curb wildlife trafficking, stating the



1 "United States and China commit to enact nearly complete bans on
2 ivory import and export, including significant and timely
3 restrictions on the import of ivory as hunting trophies, and to
4 take significant and timely steps to halt the domestic
5 commercial trade of ivory."

6 The legislature finds that as Hawaii is the host of the
7 September 2016 World Conservation Congress held by the
8 International Union for the Conservation of Nature and the
9 United States, it is important to demonstrate Hawaii's
10 continuing leadership in global conservation challenges,
11 international wildlife trafficking, and endangered species
12 protection.

13 The legislature finds that the most effective way to
14 discourage illegal trafficking in animal species threatened with
15 extinction is to eliminate markets and profits. It is in the
16 public interest to protect animal species threatened with
17 extinction by prohibiting within the State of Hawaii, with
18 certain limited exceptions, the sale, offer for sale, purchase,
19 trade, barter for, and distribution of any part or product of
20 any species of elephant (Elephantidea), mammoth (Mammuthus),
21 rhinoceros (Rhinocerotidea), tiger (Pathera tigris), great ape



1 (Hominoidea), Hawaiian monk seal (*Neomonachus schauinslandi*),
2 shark (Elasmobranchii selachimorpha), ray (Elasmobranchii
3 batoidea), sea turtle (Chelonioidea), walrus (Odobenidae
4 odobenus), narwhal (*Monodon monoceros*), whale (Cetacea),
5 hippopotamus (*Hippopotamus amphibious*), lion (*Panthera leo*),
6 pangolin (*Manis*), cheetah (*Acinonyx jubatus*), jaguar (*Panthera*
7 *onca*), or leopard (*Panthera pardus*) that is identified as
8 threatened with extinction by specified international
9 conservation organizations. These animals are the most
10 trafficked species that are threatened with extinction as
11 documented by illegal wildlife product seizure data compiled by
12 TRAFFIC, a program of the World Wildlife Fund and the
13 International Union for Conservation of Nature, and data
14 collected by other international conservation organizations.

15 The purpose of this Act is to improve coordination between
16 state natural resource laws and other government authorities in
17 accordance with the intent expressed by section 183D-8, Hawaii
18 Revised Statutes. As other countries and states adopt laws to
19 protect endangered species, Hawaii needs to ensure that it is
20 not an attractive market for illegal wildlife trafficking.



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

4 "§183D-A Trafficking of certain wildlife prohibited. (a)
5 Notwithstanding section 183D-6 to the contrary, no person shall
6 sell, offer to sell, purchase, trade, barter for, or distribute
7 any covered animal species part or product from the following
8 animal species: elephant (Elephantidea), rhinoceros
9 (Rhinocerotidea), tiger (Pathera tigris), great ape
10 (Hominoidea), hippopotamus (Hippopotamus amphibious), lion
11 (Panthera leo), pangolin (Manis), cheetah (Acinonyx jubatus),
12 jaguar (Panthera onca), or leopard (Panthera pardus).

13 (b) The sale, offer to sell, purchase, trade, barter for,
14 or distribution of any covered animal species part or product
15 from the following animal marine species is prohibited: Hawaiian
16 monk seal (Neomonachus schauinslandi), shark (various
17 Elasmobranchii selachimorpha), ray (Elasmobranchii batoidea),
18 sea turtle (Chelonioidea), narwhal (Monodon monoceros), whale
19 (Cetacea), or walrus (Odobenidae odobenus), insofar as the
20 species, subspecies, or distinct population segment is listed
21 on:



- 1 (1) The Convention on International Trade in Endangered
2 Species of Wild Fauna and Flora, Appendices 1 or 2;
- 3 (2) The International Union for the Conservation of Nature
4 Red List as vulnerable, endangered, or critically
5 endangered; or
- 6 (3) The Endangered Species Act as threatened or
7 endangered.
- 8 (c) The sale, offer to sell, purchase, trade, barter for,
9 or distribution of any covered animal species part or product
10 from mammoth (Mammuthus) is prohibited, even though the species
11 is extinct.
- 12 (d) The following are exempt from the prohibitions of this
13 section:
- 14 (1) The covered animal species part or product is part of
15 a bona fide antique; provided that the antique status
16 of the antique is established by the owner or seller
17 with historical documentation showing the antique is
18 not less than one hundred years old, and the covered
19 animal species part or product is less than twenty per
20 cent by volume of the antique;



- 1 (2) The distribution of the covered animal species part or
2 product is for a bona fide educational or scientific
3 purpose, or to or from a museum;
- 4 (3) The distribution of the covered animal species part or
5 product is to a legal beneficiary of an estate, trust,
6 or other inheritance, upon the death of the owner of
7 the covered animal species part or product;
- 8 (4) The covered animal species part or product is less
9 than twenty per cent by volume of a musical
10 instrument, including string instruments and bows,
11 wind and percussion instruments, and pianos, if the
12 owner or seller provides historical documentation
13 demonstrating provenance and showing the item was
14 manufactured no later than 1975;
- 15 (5) Guns and knives whose composition contains less than
16 twenty per cent ivory or rhinoceros horn;
- 17 (6) The ivory is a fixed component or components of a
18 larger manufactured item and is not, in its current
19 form, the primary source of value of the item;
- 20 (7) The intrastate sale, offer for sale, purchase, trade,
21 barter for, or distribution of the covered animal



1 species part or product is expressly authorized by
2 federal law or permit; or
3 (8) Traditional cultural practices that are expressly
4 protected under article XII, section 7, of the state
5 constitution.

6 (e) There is a presumption of possession with intent to
7 sell a covered animal species part or product when the part or
8 product is possessed by a retail or wholesale establishment or
9 other forum engaged in the business of buying or selling similar
10 items. The rebuttable presumption shall not preclude a finding
11 of intent to sell based on any other evidence that may serve to
12 independently establish such intent."

13 SECTION 3. Section 183D-5, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) Any person violating section 183D-A, 183D-25.5, 183D-
16 26, 183D-27, 183D-32, 183D-62, or 183D-64 shall be guilty of a
17 misdemeanor, and upon conviction thereof, shall be punished as
18 follows:

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



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

14 SECTION 4. In codifying the new sections added by section
15 2 of this Act, the revisor of statutes shall substitute
16 appropriate section numbers for the letters used in designating
17 the new sections in this Act.

18 SECTION 5. New statutory material is underscored.

19 SECTION 6. If any provision of this Act, or the
20 application thereof to any person or circumstance, is held
21 invalid, the invalidity does not affect other provisions or



1 applications of the Act that can be given effect without the
2 invalid provision or application, and to this end the provisions
3 of this Act are severable.

4 SECTION 7. This Act shall take effect on December 31,
5 2016; provided that no enforcement actions shall be taken under
6 this Act until December 31, 2017.



Report Title:

Wildlife

Description:

Prohibits the trafficking of protected animal species, with limited exceptions. (HB2502 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

