

Honolulu, Hawaii
March 4, 2016

RE: H.B. No. 2502
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2502, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO WILDLIFE,"

begs leave to report as follows:

The purpose of this measure is to improve coordination between state natural resource laws and other government authorities in protecting threatened or endangered marine and land animals by curbing wildlife trafficking and regulating the markets for these products on the local level.

The Department of Land and Natural Resources, March for Elephants, Global March for Elephants and Rhinos, Hawaiian Humane Society, Conservation Council for Hawaii, NSEFU Wildlife Conservation Foundation, Wildlife Conservation Society, International Fund for Animal Welfare, The Humane Society of the United States, National Resources Defense Council, Humane Society International, Water Inspired Conservation Group, Cleveland Zoological Society, Animal Rights Hawaii, National Wildlife Federation, Maui Island Mermaids, LLC, Tusk Task Force, Vulcan, Inc., and many concerned individuals testified in support of this measure. The National Rifle Association of America, Hawaii Rifle Association, and several concerned individuals testified in opposition. Several concerned individuals provided comments.

Your Committee finds that currently, Hawaii is the 3rd largest market for the trade of ivory in the United States and that the largest and second largest ivory markets, New York and

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California, have passed comprehensive ivory and rhinoceros horn bans.

Wildlife throughout the world are facing a crisis driven by increasing consumer demand for their parts and products and the legal trade in these wildlife products and parts helps to obscure and perpetuate illegal trade. This measure protects animals having ivory and rhinoceros horn as well as other wildlife species that are similarly threatened or endangered and are being killed needlessly for their body parts.

It is estimated that the illegal wildlife trade is an annual \$8,000,000,000 to \$10,000,000,000 business and is the fourth most lucrative international criminal activity, behind narcotics, counterfeiting, and human trafficking. Hawaii's enactment of protections for wildlife will bolster the U.S. and international efforts to fight against trafficking and deter continued poaching and illegal trade.

The International Fund for Animal Welfare, in partnership with the Wildlife Conservation Society, Vulcan Inc., the Natural Resources Defense Council, and the Humane Society International, recently conducted a market survey of Hawaii's online ivory trade and found approximately \$1,200,000 worth of ivory and related wildlife products for sale in the State, with almost all retailers failing to provide documentation that would indicate these sales are legal under federal law.

Your Committee notes the Department of Land and Natural Resources, the department that will be charged with enforcement of the trade ban, supports this measure and believes that this measure will decrease or eliminate the demand for the parts and products of protected animal species.

Your Committee has amended this measure by:

- (1) Clarifying that the prohibitions related to marine species are subordinate to the federal Marine Mammal Protection Act;
- (2) Specifying that the marine species covered by the measure's prohibitions are those listed on the specified endangered species lists as of the enactment date of this measure;



- (3) Specifying that the exemption for antiques includes an exemption for ivory that is a "fixed component" of a "larger manufactured item" and not the primary source of value of the item;
- (4) Clarifying that the exception for guns and knives with less than 20 percent ivory includes mammoth ivory;
- (5) Defining "covered animal species part or product";
- (6) Establishing penalties that expressly provide for the forfeiture of the subject animal parts, products, or items on the occurrence of the second and subsequent offenses; and
- (7) Making technical, nonsubstantive amendments for consistency, clarity, 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. 2502, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2502, H.D. 2.

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



KARL RHOADS, Chair



