

Honolulu, Hawaii
April 8, 2016

RE: S.B. No. 2647
S.D. 1
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 S.B. No. 2647, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO NATURAL RESOURCES,"

begs leave to report as follows:

The purpose of this measure is to protect animal species that are threatened with extinction by prohibiting the illegal trafficking of products or parts from protected animal species. This measure seeks to improve coordination between state and other government authorities as encouraged in section 183D-8, Hawaii Revised Statutes, and to remove any potential conflicts of law that unintentionally make Hawaii an attractive market for illegal wildlife trafficking by:

- (1) Prohibiting the sale, offering to sell, possession with the intent to sell, purchase, trade, or barter of any part or product from various protected terrestrial and marine animal species;
- (2) Requiring the Board of Land and Natural Resources to concur in the prohibition for listed marine animals, sharks, and rays;
- (3) Providing exceptions to the prohibition for traditional cultural practices that are protected by the Constitution of the State of Hawaii;



- (4) Establishing the requirement for the bona fide antiques exception to the prohibition that the protected animal species part or product shall be a fixed component or components of a larger manufactured item of which the animal species part or product is not the primary source of value;
- (5) Permitting the transfer of covered animal species parts or products to a legal beneficiary of an estate, trust, or other inheritance;
- (6) Including guns and knives in the list of exceptions to the prohibition if the protected animal species portion comprises less than 20 percent of the gun or knife;
- (7) Imposing penalties for violations of the prohibition on trafficking protected animal parts and products; and
- (8) Authorizing the Department of Land and Natural Resources to adopt rules to implement and enforce the measure.

The International Fund for Animal Welfare, Wildlife Conservation Society, Natural Resources Defense Council, Born Free USA, U.S. Friends of the David Sheldrick Wildlife Trust, NSEFU Wildlife Conservation Foundation, The Humane Society of the United States, Humane Society International, Hawaiian Humane Society, Apollo Kauai Zero Waste Kauai, Animal Rights Hawaii, Vulcan, Inc., Surfrider Foundation, Keiko Conservation, March for Elephants, WildAid, Sierra Club of Hawaii, and many concerned individuals testified in support of this measure. The National Rifle Association of America, Lahaina Scrimshaw, Knife Rights, Inc., Whaler's Locker, Inc., and several concerned individuals testified in opposition. The Department of the Attorney General, Department of Land and Natural Resources, United States Fish and Wildlife Service, and one concerned individual provided comments.

Your Committee has amended this measure by:

- (1) Recognizing the federal laws relating to the protection of certain marine animals including sharks and rays;
- (2) Deleting the requirement that the Board of Land and Natural Resources concur with the protection of species that are designated by federal law;



- (3) Deleting intrastate sales from the application of this measure;
- (4) Defining "covered animal species part or product" to mean any item that contains, or is wholly or partially made from, any covered animal species;
- (5) Specifying that enforcement actions may begin on June 30, 2017; and
- (6) 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 S.B. No. 2647, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2647, S.D. 1, H.D. 2.

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



KARL RHOADS, Chair



