

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committee on
WAYS AND MEANS

Wednesday, February 28, 2018
11:00 AM
State Capitol, Conference Room 211

In consideration of
SENATE BILL 2077, SENATE DRAFT 1
RELATING TO WILDLIFE

Senate Bill 2077, Senate Draft 1 proposes to authorize the Department of Land and Natural Resources (Department) to enter into the interstate wildlife violator compact or similar agreement for mutual assistance in the enforcement of wildlife laws. **The Department supports this measure and offers the following comments.**

The protection of the wildlife resources of the state is materially affected by the degree of compliance with state statutes, laws, regulations, ordinances, and administrative rules relating to the management of such resources. Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property.

The Wildlife Violator Compact includes a reciprocal recognition of license privilege suspension by member states, thus any person whose license privileges are suspended in a member state would also be suspended in Hawaii. Wildlife law violators will be held accountable due to the fact that their illegal activities in one state can affect their privileges in all participating states. This cooperative interstate effort will enhance the State of Hawaii's ability to protect and manage wildlife resources for the benefit of all residents and visitors.

Implementation of the Interstate Wildlife Violator Compact in Hawaii would involve the cooperation and coordination of three divisions within the Department: Division of Conservation and Resources Enforcement, Division of Aquatic Resources, and Division of Forestry and Wildlife, as well as input from other stakeholders. A nominal fee of \$500.00 annually is necessary to establish and maintain the system. Staff time to input or extract data is dependent on the number of qualifying violations. The prior version of this measure included a funding provision. While the Department supports continued funding support; lack of a funding source should not prevent the passing of this important legislation.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON P.E.
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BOATING AND OCEAN RECREATION
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CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Likewise, the deletion of an immunity provision for employees who are performing within their scope and authority should not affect the proposed legislation. The provision allows for proper representation as protection for errors that may occur.

Thank you for the opportunity to comment on this measure.



THE HUMANE SOCIETY
OF THE UNITED STATES

To: Honorable Chair Dela Cruz, members of the Senate Committee on Ways and Means
In Support Of: SB2077 SD1
Date: February 28, 2018, 11:00 a.m.
Testimony By: Keith Dane, Hawaii Policy Advisor, The Humane Society of the United States

On behalf of The Humane Society of the United States and our members and supporters across Hawaii, I appreciate the opportunity to submit this written testimony in support of SB 2077 SD1, a bill to enter Hawaii into the Interstate Wildlife Violator Compact, with amendments.

The HSUS works to end the worst abuses facing wildlife, including poaching. Poaching—the illegal harming or killing of wildlife—is a serious problem across the country. Poachers take animals over the allowable limit or out of season and kill animals using prohibited methods. This bill will keep poachers from illegally taking Hawaii’s wildlife and assists with the enforcement of wildlife laws.

The Interstate Wildlife Violator Compact is a nationwide law enforcement network aimed at preventing lawbreakers who have lost their hunting, fishing, and/or trapping privileges in one state, due to committing poaching crimes or violations, from carrying out those activities in other states.

Hawaii is one of only two non-member states of the nationwide law enforcement network, along with Massachusetts. As a non-member, Hawaii does not benefit from the network that has been helping wildlife agencies increase compliance with wildlife laws for 25 years. We must modernize penalties to deter wildlife criminals.

When a violator has their hunting, fishing, and/or trapping privileges legally suspended in a state that is a member of the compact, the suspension may be recognized by all other compact member states. The violation is treated as if it happened in the violator’s home state for purposes of license suspension.

If a violator fails to comply with a ticket issued in a member state, the issuing state can request the violator's home state to immediately suspend the violator's hunting, fishing and trapping privileges in their state until the violator complies with the terms of the ticket.

With that ability, the non-resident violator (if a resident of a Compact state) in many cases can be handled in the same manner as a resident violator and released on his or her own recognizance. This saves law enforcement the often unnecessary step of taking a non-resident violator to jail and allows them to stay in the field and focus on enforcement. It also removes an unnecessary burden on the court system.

A good example of how the compact punishes poachers is the [recent case of an Arizona hunting guide](#) who killed a desert bighorn sheep in Utah with a fraudulently obtained big game permit. The hunter rented a home in UT, claiming in-state residence to obtain the permit. After killing the bighorn sheep, he was charged with fraud, had to pay \$30,000 in restitution, and cannot hunt for 10 years in the 48 states participating in the compact. However, he can still hunt in Hawaii and Massachusetts. It is critical that we protect our wildlife from people who break the law.

Poachers jeopardize the livelihood of outdoor recreation outfitter and ecotourism companies and other businesses. When poachers illegally take our fish and wildlife, they exploit our natural resources and steal revenue from constituents who make a living by selling goods and services that contribute to wildlife recreation and tourism in Hawaii.

This is a common sense tool to combat poaching which 48 other states participate in and I urge the committee to protect our unique tourism and local businesses here in Hawaii by entering our state into the Interstate Wildlife Violator Compact.

We request the following amendments to the bill; a copy of those is attached to this testimony, with deleted language stricken and new language highlighted.

- Create a new Chapter 183E.
- New Jersey is now part of the Compact so amend the number of participating states in Section 1 from 47 to 48.
- Membership in the Compact requires dues of five hundred dollars (\$500) per year for maintenance and upgrades to the information system that facilitates participation in the Compact, so amend Section 1 to reflect this.
- Remove language regarding acts of omission.
- Insert the text of the compact, approximately 13 pages in length.
- Amend language to make it clear that the state is entering into the Compact.
- Add an enforcement provision for reciprocal recognition of license suspensions to make sure there is a penalty for someone who actually engages in hunting, trapping, or fishing in the state, but who has had a license for the same activity revoked in another state, and add details about a hearing regarding said suspension.
- Add a definition at the end of the bill language to clarify that as used in the new chapter, “wildlife” includes aquatic species.
- Include language regarding the Act taking effect 60 days after administrators of the Compact have given notice to each participating state that Hawaii’s resolution to join has been received.

The Humane Society of the United States offers to provide funding for any needed training on the details of the Compact for Department of Land and Natural Resources, Division of Conservation and Resources Enforcement staff. We request a favorable report on SB2077 SD1, with our proposed amendments.

Keith Dane
kdane@humanesociety.org
301-312-1489

A BILL FOR AN ACT

RELATING TO WILDLIFE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The Interstate Wildlife Violator Compact is a multistate agreement that promotes enforcement of hunting, fishing, trapping, and other wildlife related regulations across jurisdictions. For example, the Interstate Wildlife Violator Compact could prevent wildlife violators who have lost their hunting, fishing, trapping, or other wildlife related privileges in other member states from obtaining a hunting license in Hawaii. Similarly, persons who have been punished with license revocation in Hawaii would be unable to avoid this punishment by engaging in those activities in another state. The Interstate Wildlife Violator Compact also establishes a process by which nonresident wildlife law violators can be treated as state residents for purposes of law enforcement, thereby easing the administrative burden on the enforcement agency and reducing enforcement gaps that may allow the violator to fail to comply with the terms of the citation. The legislature finds that reciprocity agreements such as the Interstate Wildlife Violator Compact are an important part of any law enforcement effort.

The Interstate Wildlife Violator Compact is modeled after the successful multistate driver license compact and nonresident violator compact. Hawaii is party to both compacts. Forty-eight

states have passed legislation necessary to join the Interstate Wildlife Violator Compact.

Membership in the Compact requires dues of five hundred dollars (\$500) per year for maintenance and upgrades to the information system that facilitates participation in the Compact. However, access to the system is then available for free to member states. Apart from this necessary maintenance fee, the legislature finds that existing member states to the Interstate Wildlife Violator Compact have reported little to no added costs or administrative burdens associated with participating in the compact.

~~The purpose of this Act is to allow the department of land and natural resources to become a member of the interstate wildlife violator compact or similar agreement.~~

SECTION 2. Title 12, Subtitle 4, Hawaii Revised Statutes, is amended by adding a new chapter 183E to read as follows:

Chapter 183E Interstate wildlife violator compact.

~~“§183D Interstate wildlife violator compact. (a) The department may enter into the interstate wildlife violator compact or similar agreement, whether in the form of a memorandum of understanding, written agreement, or mutual aid compact, with an appropriate state, federal, or foreign entity for mutual assistance in the enforcement of hunting, fishing, and other wildlife laws, rules, or regulations in their respective jurisdictions.~~

~~(b) Employees of the department who perform an act of omission or commission in administering or enforcing the terms or conditions of the agreement entered into pursuant to subsection (a), if the act is within the course and scope of their employment in administering or enforcing the agreement, shall be:~~

~~—(1) Entitled to legal representation for defense of legal actions in which they are a named party or of claims in which they are implicated; and~~

~~(2) Entitled to indemnification for any damages arising from legal actions or claims resulting therefrom.~~

~~(C) The department may adopt rules pursuant to chapter 91 necessary for enforcement of the agreement entered into pursuant to subsection (a)"~~

~~SECTION 3. New statutory material is underscored.~~

~~SECTION 4. This Act shall take effect on July 1, 2018.~~

§183E-1 Interstate wildlife violator compact.

The governor is hereby authorized and directed to execute a compact on behalf of the State of Hawaii with any other state or states legally joining them in the form substantially as follows:

INTERSTATE WILDLIFE VIOLATOR COMPACT

The Interstate Wildlife Violator Compact is hereby enacted into law and entered into with all jurisdictions legally joining therein, in the form substantially as follows:

ARTICLE I

Findings, Declaration of Policy, and Purpose

a. The participating states find that:

(1) Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors.

(2) The protection of the wildlife resources of a state is materially affected by the degree of compliance with state statutes, laws, regulations, ordinances, and administrative rules relating to the management of such resources.

(3) The preservation, protection, management, and restoration of wildlife contributes immeasurably to the aesthetic, recreational, and economic aspects of such natural resources.

(4) Wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife preservation, protection, management, and restoration laws, ordinances, and administrative rules and regulations of the participating states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap, or possess wildlife.

(5) Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property.

(6) The mobility of many wildlife law violators necessitates the maintenance of channels of communication among the various states.

(7) In most instances, a person who is cited for a wildlife violation in a state other than his or her home state is:

(i). Required to post collateral or a bond to secure appearance for a trial at a later date;

(ii). Taken into custody until the collateral or bond is posted; or

(iii). Taken directly to court for an immediate appearance.

(8) The purpose of the enforcement practices set forth in paragraph (7) is to ensure compliance with the terms of a wildlife citation by the cited person who, if permitted to continue on his or her way after receiving the citation, could return to his or her home state and disregard his or her duty under the terms of the citation.

(9) In most instances, a person receiving a wildlife citation in his or her home state is permitted to accept the citation from the officer at the scene of the violation and immediately continue on his or her way after agreeing or being instructed to comply with the terms of the citation.

(10) The practices described in paragraph (7) cause unnecessary inconvenience and, at times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand trial, or pay a fine, and thus is compelled to remain in custody until some alternative arrangement is made.

(11) The enforcement practices described in paragraph (7) consume an undue amount of time of law enforcement agencies.

b. It is the policy of the participating states to:

(1) Promote compliance with the statutes, laws, ordinances, regulations, and administrative rules relating to the management of wildlife resources in their respective states.

(2) Recognize a suspension of the wildlife license privileges of any person whose license privileges have been suspended by a participating state and treat such suspension as if it had occurred in each respective state.

(3) Allow a violator, except as provided in paragraph (b) of Article III, to accept a wildlife citation and, without delay, proceed on his or her way, whether or not the violator is a resident of the state in which the citation was issued, if the violator's home state is party to this compact.

(4) Report to the appropriate participating state, as provided in the compact manual, any conviction recorded against any person whose home state was not the issuing state.

(5) Allow the home state to recognize and treat convictions recorded against its residents, which convictions occurred in a participating state, as though they had occurred in the home state.

(6) Extend cooperation to its fullest extent among the participating states for enforcing compliance with the terms of a wildlife citation issued in one participating state to a resident of another participating state.

(7) Maximize the effective use of law enforcement personnel and information.

(8) Assist court systems in the efficient disposition of wildlife violations.

c. The purpose of this compact is to:

(1) Provide a means through which participating states may join in a reciprocal program to effectuate the policies enumerated in paragraph (b) in a uniform and orderly manner.

(2) Provide for the fair and impartial treatment of wildlife violators operating within participating states in recognition of the violator's right to due process and the sovereign status of a participating state.

ARTICLE II

Definitions

As used in this compact, the term:

"Citation" means any summons, complaint, summons and complaint, ticket, penalty assessment, or other official document issued to a person by a wildlife officer or other peace officer for a wildlife violation which contains an order requiring the person to respond.

"Collateral" means any cash or other security deposited to secure an appearance for trial in connection with the issuance by a wildlife officer or other peace officer of a citation for a wildlife violation.

"Compliance" with respect to a citation means the act of answering a citation through an appearance in a court or tribunal, or through the payment of fines, costs, and surcharges, if any.

"Conviction" means a conviction that results in suspension or revocation of a license, including any court conviction, for any offense related to the preservation, protection, management, or restoration of wildlife which is prohibited by state statute, law, regulation, ordinance, or administrative rule. The term

also includes the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, the payment of a penalty assessment, a plea of nolo contendere, or the imposition of a deferred or suspended sentence by the court.

"Court" means a court of law, including magistrate's court and the justice of the peace court.

"Home state" means the state of primary residence of a person.

"Issuing state" means the participating state that issues a wildlife citation to the violator.

"License" means any license, permit, or other public document that conveys to the person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife regulated by statute, law, regulation, ordinance, or administrative rule of a participating state; any privilege to obtain such license, permit, or other public document; or any statutory exemption from the requirement to obtain such license, permit, or other public document.

"Licensing authority" means the department or division within each participating state which is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.

"Participating state" means any state that enacts legislation to become a member of this wildlife compact.

"Personal recognizance" means an agreement by a person made at the time of issuance of the wildlife citation that such person will comply with the terms of the citation.

"State" means any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Provinces of Canada, and other countries.

"Suspension" means any revocation, denial, or withdrawal of any or all license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by any license.

"Terms of the citation" means those conditions and options expressly stated upon the citation.

"Wildlife" means all species of animals, including, but not limited to, mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife" and are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative rule in a participating state. Species included in the definition of "wildlife" vary from state to state and the determination of whether a species is "wildlife" for the purposes of this compact shall be based on local law.

"Wildlife law" means any statute, law, regulation, ordinance, or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

"Wildlife officer" means any individual authorized by a participating state to issue a citation for a wildlife violation.

"Wildlife violation" means any cited violation of a statute, law, regulation, ordinance, or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

ARTICLE III

Procedures for Issuing State

a. When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any person whose primary residence is in a participating state in the same manner as though the person were a resident of the issuing state and shall not require such person to post collateral to secure appearance, subject to the exceptions noted in subsection b, if the officer receives the recognizance of such person that he will comply with the terms of the citation.

b. Personal recognizance is acceptable if not prohibited by local law; by policy, procedure, or regulation of the issuing agency; or by the compact manual and if the violator provides adequate proof of identification to the wildlife officer.

c. Upon conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the participating state in which the wildlife citation was issued. The report shall be made in accordance with procedures specified by the issuing state and must contain information as specified in the compact manual as minimum requirements for effective processing by the home state.

d. Upon receipt of the report of conviction or noncompliance pursuant to subsection c, the licensing authority of the issuing state shall transmit to the licensing authority of the home state of the violator the information in the form and content prescribed in the compact manual.

ARTICLE IV

Procedure for Home State

a. Upon receipt of a report from the licensing authority of the issuing state reporting the failure of a violator to comply with the terms of a citation, the licensing authority of the home state shall notify the violator and shall initiate a suspension action in accordance with the home state's suspension procedures and shall suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority. Due-process safeguards shall be accorded.

b. Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall enter such conviction in its records and shall treat such conviction as though it occurred in the home state for purposes of the suspension of license privileges.

c. The licensing authority of the home state shall maintain a record of actions taken and shall make reports to issuing states as provided in the compact manual.

ARTICLE V

Reciprocal Recognition of Suspension

a. Each participating state may recognize the suspension of license privileges of any person by any other participating state as though the violation resulting in the suspension had occurred in that state and would have been the basis for suspension of license privileges in that state.

b. Each participating state shall communicate suspension information to other participating states in the form and content contained in the compact manual.

ARTICLE VI

Applicability of Other Laws

Except as expressly required by provisions of this compact, this compact does not affect the right of any participating state to apply any of its laws relating to license privileges to any person or circumstance or to invalidate or prevent any agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning the enforcement of wildlife laws.

ARTICLE VII

Compact Administrator Procedures

a. For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a board of compact administrators is established. The board shall be composed of one representative from each of the participating states to be known as the compact administrator. The compact administrator shall be appointed by the head of the licensing

authority of each participating state and shall serve and be subject to removal in accordance with the laws of the state he or she represents. A compact administrator may provide for the discharge of his or her duties and the performance of his or her functions as a board member by an alternate. An alternate is not entitled to serve unless written notification of his or her identity has been given to the board.

b. Each member of the board of compact administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of the board's votes are cast in favor thereof. Action by the board shall be only at a meeting at which a majority of the participating states are represented.

c. The board shall elect annually from its membership a chairman and vice chairman.

d. The board shall adopt bylaws not inconsistent with the provisions of this compact or the laws of a participating state for the conduct of its business and shall have the power to amend and rescind its bylaws.

e. The board may accept for any of its purposes and functions under this compact any and all donations and grants of moneys, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any governmental agency, and may receive, use, and dispose of the same.

f. The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, individual,

firm, corporation, or private nonprofit organization or institution.

g. The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action shall be contained in a compact manual.

ARTICLE VIII

Entry into Compact and Withdrawal

a. This compact shall become effective at such time as it is adopted in substantially similar form by two or more states.

b.

(1) Entry into the compact shall be made by resolution of ratification executed by the authorized officials of the applying state and submitted to the chairman of the board.

(2) The resolution shall substantially be in the form and content as provided in the compact manual and must include the following:

(i) A citation of the authority from which the state is empowered to become a party to this compact;

(ii) An agreement of compliance with the terms and provisions of this compact; and

(iii) An agreement that compact entry is with all states participating in the compact and with all additional states legally becoming a party to the compact.

(2) The effective date of entry shall be specified by the applying state, but may not be less than 60 days after notice has been given by the chairman of the board of the compact administrators or by the secretariat of the board to each participating state that the resolution from the applying state has been received.

c. A participating state may withdraw from participation in this compact by official written notice to each participating state, but withdrawal shall not become effective until 90 days after the notice of withdrawal is given. The notice must be directed to the compact administrator of each member state. The withdrawal of any state does not affect the validity of this compact as to the remaining participating states.

ARTICLE IX

Amendments to the Compact

a. This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the board of compact administrators and shall be initiated by one or more participating states.

b. Adoption of an amendment shall require endorsement by all participating states and shall become effective 30 days after the date of the last endorsement.

ARTICLE X

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact are severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States, or if the applicability thereof to any government, agency, individual, or circumstance is held invalid, the validity of the remainder of this compact shall not be affected thereby. If this compact is held contrary to the constitution of any participating state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the participating state affected as to all severable matters.

§183E-2 Department authorization to effect purposes of compact.

(a) The department shall enforce the interstate wildlife violator compact and shall do all things within the department's jurisdiction that are appropriate in order to effectuate the purposes and the intent of the compact.

(b) The department is authorized, on behalf of the state, to enter or withdraw from the interstate wildlife violator compact pursuant to the terms of article VIII of the compact codified pursuant to section 183E-1.

(c) The department is authorized to adopt amendments to the interstate wildlife violator compact pursuant to the terms of article IX of the compact codified pursuant to section 183E-1.

§183E-3 Reciprocal recognition of license suspensions; suspension of privileges for conviction in participating state; penalty.

(a) When the department receives notice of the suspension of a person's hunting, trapping, or fishing privileges by a participating state, the department shall determine whether the violation leading to the suspension could have led to the forfeiture of privileges under Hawaii law. If the department determines that the person's privileges could have been forfeited, the department may suspend the person's privileges to hunt, trap, or fish in this state for the same period as imposed by the participating state not to exceed the maximum limits allowed by Hawaii law, provided the department has complied with the requirements of section 183E-5.

(b) When the department receives notice of a conviction of a state resident from the licensing authority of the issuing state, the department may, if the conviction is final, treat the conviction as if it had occurred in Hawaii and shall determine whether the conviction could have led to the forfeiture of the resident's hunting, trapping, or fishing privileges under state law. If the department determines that the resident's privileges could have been forfeited, the department may suspend the resident's privileges to hunt, trap, or fish in this state for the same period as the issuing state, not to exceed the limit that could have been imposed under Hawaii law, provided the department has complied with the requirements of section 183E-5.

(c) Notice of the suspension must be sent to the person, who must surrender any current Hawaii hunting, trapping, or fishing licenses to the department within ten (10) days.

(d) A person whose privileges have been suspended and who hunts, traps, or fishes in this state, who applies for or purchases any licenses or permits to hunt, trap, or fish in this state, or who refuses to surrender any current hunting, trapping, or fishing licenses as required is guilty of a misdemeanor.

§183E-4 Suspension of privileges for failure to comply with citation issued in participating state; penalty.

(a) The department may suspend the hunting, trapping, or fishing privileges of any resident of this state upon notification from the licensing authority of an issuing state that the resident has failed to comply the terms of a citation issued for a wildlife violation, provided the department has complied with the requirements of section 183E-5. The suspension remains in effect until the department receives satisfactory evidence of compliance from the issuing state.

(b) Notice of the suspension must be sent to the resident, who shall surrender all current Hawaii hunting, trapping, or fishing licenses to the department within ten (10) days.

(c) A person who hunts, traps, or fishes, who applies for or purchases licenses or permits, or who refuses to surrender any current hunting, trapping, or fishing licenses in violation of this section is guilty of a misdemeanor.

§183E-5 Hearing on suspension.

(a) Prior to suspending the hunting, trapping, or fishing privileges of any person under sections 183E-3 or 183E-4, the department shall immediately notify the person in writing. The person may, within twenty (20) days of the notice, request a hearing before the department on whether the requirements for suspension have been met.

(b) Upon request, the department shall set a hearing as early as practicable. The requesting person may present evidence and arguments at the hearing contesting the suspension.

(c) Following the hearing, the department may, based on the evidence, affirm, modify, or rescind the suspension of privileges.

§183E-6 Wildlife defined.

As used in this chapter, "wildlife" means any nondomesticated member of the animal kingdom, including game, whether reared in captivity or not, and includes any part, product, egg, or offspring thereof. "Wildlife" includes aquatic life as defined in H.R.S. § 183D-1.

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect 60 days after administrators of the Interstate Wildlife Violator Compact have

given notice to each participating state that the resolution from the state of Hawaii has been received.



Hawaiian Humane Society

People for animals. Animals for people.

2700 Waiialae Avenue Honolulu, Hawaii 96826
808.356.2200 • HawaiianHumane.org

Date: Feb. 26, 2018

To: Chair Sen. Donovan Dela Cruz
Vice Chair Sen. Gilbert Keith-Agaran
and Members of the Committee on Ways and Means

Submitted By: Stephanie Kendrick, Public Policy Advocate
Hawaiian Humane Society, 808-356-2217

RE: Testimony in support of SB 2077: Relating to Wildlife
Wednesday, Feb. 28, 2018, 11 a.m., Capitol conference room 211

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran and Committee Members,

On behalf of the Hawaiian Humane Society, thank you for considering our support for SB 2077, which authorizes the Department of Land and Natural Resources to enter into the interstate wildlife violators compact or similar agreement for mutual assistance in the enforcement of wildlife laws.

The Hawaiian Humane Society advocates for the humane treatment of all animals, including wildlife.

Hawaii authorities charged with enforcing wildlife-related regulations should have access to information about individuals convicted of violating these rules in other states so they can bar them from similar activities in Hawaii. SB 2077 would bring Hawaii in line with 48 other states that have joined together to better enforce protections for wild animals.

The Humane Society of the United States has shared its requested amendments to SB 2077 with the Hawaiian Humane Society and we support those amendments.

Please pass SB 2077 with these amendments to strengthen the enforcement of wildlife regulations across jurisdictions.

Mahalo for your consideration and let me know if I can be of assistance.



BOARD OF WILDLIFE VIOLATOR COMPACT ADMINISTRATORS

Attn: Bob Thompson, Chairman

6060 Broadway
Denver, CO 80216
PH: (303) 291-7342

Bob Thompson, Chairman
(Colorado)

Chris Cloutier, Vice-Chairman
(Maine)

Dirk Cochran, Secretary
(Ohio)

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IN SUPPORT OF HAWAII JOINING THE INTERSTATE WILDLIFE VIOLATOR COMPACT

February 22, 2018

As Chairman of the Board of Wildlife Violator Compact Administrators, I respectfully urge your support of legislation that would enter Hawaii into the Interstate Wildlife Violator Compact, a nationwide law enforcement network developed to address the problem of interstate wildlife violator movement.

The Compact is an agreement between states to gain further compliance with hunting, fishing and other wildlife laws, ordinances, and regulations of participating states, while providing for the fair and impartial treatment of wildlife violators. Membership in the Compact allows a state to revoke a person's hunting or fishing privileges based upon wildlife convictions and license revocations in another member state. This prevents a wildlife lawbreaker from leaving Hawaii to evade punishment and allows Hawaii to deny licenses to convicted wildlife violators. Revocations have been shown to be a great deterrent to potential poachers.

Hawaii and Massachusetts are the only states that have not passed legislation to join the Compact, though legislation is also advancing in Massachusetts. With most states as members of the Compact, Hawaii is at risk for becoming a safe haven for wildlife violators.

The Compact, modeled after the equally successful Driver's License Compact, allows officers in most instances to release non-resident violators with a citation in the same manner that a resident violator would be. Doing so takes a burden off of charging officers by allowing them to return to patrol duties sooner, rather than having to jail the person or handle collection of fines. Additionally, non-resident violators cannot evade punishment by crossing state lines without risking loss of hunting privileges in their home state. Once the violator complies with the citation, privileges are restored in his or her home state. If a violator is convicted, he or she will be entered into the Compact database and may have his or her hunting privileges revoked in all member states.

Membership in the Compact requires dues of five hundred dollars (\$500) per year for system maintenance and upgrades. It does not require hiring additional agency staff. Entering violators into the Compact and ratifying other states' suspensions requires a minor time commitment and this responsibility is typically carried out by existing state wildlife agency personnel.

Joining the Compact is a two-step process. First, the state must pass legislation to enter into the Compact. Next, the agency will adopt regulations to implement Compact membership and make official application to the Compact Board.

Hopefully the information provided will be a catalyst for your state's participation in this nationwide effort. We trust that Hawaii will consider joining the Interstate Wildlife Violator Compact and respectfully ask you to support this legislation. If you have questions, please contact me or any member state for additional information.

Sincerely,

Bob Thompson
Chairman, IWVC Board of Compact Administrators
Colorado Parks and Wildlife

SB-2077-SD-1

Submitted on: 2/21/2018 6:59:01 PM

Testimony for WAM on 2/28/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Testifying for Animal Rights Hawai'i	Support	Yes

Comments:

From: [Kayleigh Burns](#)
To: [WAM Testimony](#)
Subject: In Support of SB2077
Date: Friday, February 23, 2018 3:52:04 PM

Aloha Committee members,

Please pass SB2077 with amendments requested by The Humane Society of the United States, especially the amendment to incorporate bill language to clarify that as used in this chapter, “wildlife” includes aquatic species.

Mahalo and Aloha,

Kayleigh Burns
PADI Divemaster
One Ocean Diving
Water Inspired Conservationist
Mobile: (215) 208-5432
IG: @mermaid_kayleigh
FB: Kayleigh Nicole Burns

SB-2077-SD-1

Submitted on: 2/23/2018 1:47:18 PM

Testimony for WAM on 2/28/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Support	No

Comments:

SB-2077-SD-1

Submitted on: 2/24/2018 9:28:55 AM

Testimony for WAM on 2/28/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rene Umberger	Individual	Support	No

Comments:

SB-2077-SD-1

Submitted on: 2/23/2018 8:47:51 PM

Testimony for WAM on 2/28/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jaunette Itsuno	Individual	Support	No

Comments:

Dear Chair Dela Cruz and Members of the Ways and Means Committee,

Thank you for having this hearing of Senate Bill no. 2077 and giving the general public the opportunity to provide testimony on this important bill. I strongly encourage its passing which will allow us to prevent those who are already recognized as violators to wildlife by the forty-eight other states who are members of the Interstate Wildlife Violator Compact to commit crimes against our precious wildlife. We should take advantage of the resources that are already provided and maintained by the majority of the other states which will save us from administrative burdens of not being included and to mutually help those other member states by providing them with the same benefits from our state by being in their existing network.

Mahalo,

Jaunette Itsuno

SB-2077-SD-1

Submitted on: 2/24/2018 8:52:10 PM

Testimony for WAM on 2/28/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary James	Individual	Support	No

Comments:

From: [Carissa Cabrera](#)
To: [WAM Testimony](#)
Subject: In support of SB2077
Date: Friday, February 23, 2018 4:05:54 PM

Please pass SB2077 with amendments requested by The Humane Society of the United States, especially the amendment to incorporate bill language to clarify that as used in this chapter, “wildlife” includes aquatic species.

Carissa Cabrera

From: [Austen Stone](#)
To: [WAM Testimony](#)
Subject: SB2077 language
Date: Friday, February 23, 2018 4:29:57 PM

Dear Legislators:

Please pass SB2077 with amendments requested by The Humane Society of the United States, especially the amendment to incorporate bill language to clarify that as used in this chapter, “wildlife” includes aquatic species.

Thank you,
Austen Stone
Kamuela, HI 96743

Sent from my iPad

From: [Anita Wintner](#)
To: [WAM Testimony](#)
Subject: 2-28-18 Support for SB 2077
Date: Friday, February 23, 2018 4:30:29 PM

I support this bill. It is time to pass this bill which will also protects marine life. Please do the right thing and pass this bill. Mahalo Anita Wintner Maui resident
Sent from my iPad

From: [Tracie Sugo](#)
To: [WAM Testimony](#)
Subject: In Support of SB2077
Date: Friday, February 23, 2018 5:16:02 PM

Please pass SB2077 with the amendments requested by The Human Society of the United States, especially the amendment to incorporate bill language to clarify that as used in this chapter "wildlife" includes aquatic species.

Thank you,

--

Tracie Sugo

Keiko Conservation Japan Chapter

From: [juliet Pearson](#)
To: [WAM Testimony](#)
Subject: 2-28-18 Support for SB 2077
Date: Saturday, February 24, 2018 11:41:50 AM

To Whom it May Concern;

Please support SB 2077 with amendments requested by The Humane Society of the United States, especially the amendment to incorporate bill language to clarify that as used in this chapter, “wildlife” includes aquatic species.

Mahalo Nui Loa,
Juliet Pearson

From: [barbara dinoff](#)
To: [WAM Testimony](#)
Subject: 2-28-18 Support for SB 2077
Date: Saturday, February 24, 2018 3:36:13 PM

Chair Senator Donovan M. Dela Cruz
Vice Chair Senator Gilbert S. C. Keith-Agaran

Please Pass SB 2077 with amendment to incorporate this bills language to clarify, as used in the "Wildlife" chapter, to include aquatic species. It is shameful that Hawaii is not part of the Interstate Poaching Crimes (HI is only 1 of 2 states of all 50 states) and allows DOCARE to identify those CONVICTED of wildlife crimes in other states to prevent them from obtaining a license to fish or hunt in Hawaii.

Barbara Dinoff
222 Liliuokalani Ave. #404
Honolulu, HI 96815-3502

From: [Victoria Anderson](#)
To: [WAM Testimony](#)
Subject: 2-28-18 Support for SB 2077
Date: Sunday, February 25, 2018 3:07:24 PM

Please support this important bill, Incorporating language to include aquatic species as wildlife.

Mahalo,

--

Victoria B. Anderson

From: amblades@hawaii.rr.com
To: [WAM Testimony](#)
Subject: 2-28-18 Support for SB 2077
Date: Monday, February 26, 2018 6:34:46 AM

Dear Senate Committee,

Please pass SB2077 with amendments requested by The Humane Society of the United States, especially the amendment to incorporate bill language to clarify that as used in this chapter, “wildlife” includes aquatic species.

Sincerely,
April Blades
Honolulu, HI
96814

From: [Mary & Robert](#)
To: [WAM Testimony](#)
Subject: 2-28-18 Support for SB 2077
Date: Monday, February 26, 2018 2:45:34 PM

Please pass SB2077 with amendments requested by The Humane Society of the United States, especially the amendment to incorporate bill language to clarify that as used in this chapter, "wildlife" includes aquatic species.

Mahalo for your time and consideration, Mary Menacho

From: [Lorraine Garnier](#)
To: [WAM Testimony](#)
Subject: 2-28-18 Support for SB 2077
Date: Saturday, February 24, 2018 10:36:36 AM

As a resident of Hawai'i I would implore you to please pass SB2077 - with amendments requested by The Humane Society of the United States, especially the amendment to incorporate bill language to clarify that as used in this chapter, "wildlife" includes aquatic species."

Hawaii being the last of two states to become a member of the Interstate Wildlife Violators Compact.

We need to join the other 48 states now.

Hawaii needs to pass this bill for the future of our wildlife and to attain wrongful hunting and fishing in our islands.

thank you,

Lorraine Garnier

From: [Judy Mick](#)
To: [WAM Testimony](#)
Subject: 2-28-18 Support SB 2077
Date: Friday, February 23, 2018 7:55:42 PM

Please pass this legislation to allow Hawaii to interface with other wildlife protection groups in the country and thus do a much more efficient job. Mahalo. Judy Mick, Kailua

From: [A.Hall](#)
To: [WAM Testimony](#)
Subject: In Support of SB 2077
Date: Saturday, February 24, 2018 6:58:43 AM

Please pass SB2077 with amendments requested by The Humane Society of the United States, especially the amendment to incorporate bill language to clarify that as used in this chapter, “wildlife” includes aquatic species.

Anna Hall, Keiko Conservation

From: [Ocean Ramsey](#)
To: [WAM Testimony](#)
Subject: In support of SB2077
Date: Saturday, February 24, 2018 3:20:21 AM

In Support of SB2077

Please pass SB2077 with amendments requested by The Humane Society of the United States, especially the amendment to incorporate bill language to clarify that as used in this chapter, “wildlife” includes aquatic species.

Aloha,
Ocean Ramsey
[1-808-722-0969](tel:1-808-722-0969)

Senior Researcher & Dive Safety Officer for One Ocean Research and Diving
Co-founder of Water Inspired conservation group.
President of Save The Sea Turtles International.
Advisor for the International Shark Project and HSC.
PADI MSDT #197766
E02 & AED Instructor
1st Aid & CPR EFR Instructor

Find out more about my work and check out my TED talk on:

[OneOceanResearch.Org](#)
[WaterInspired.Org](#)
[OceanRamsey.com](#)
[HelpSaveSharks.Org](#)

Social Media:

Instagram: @OceanRamsey
@OneOceanDiving
@WaterInspired
@OneOceanResearch
@OneOceanEducation
@OneOceanConservation
@OneOceanGlobal
@OneOceanDesigns

Twitter: @OceanRamsey
Facebook: Ocean Ramsey Water Inspired

Aloha

“In the end, we will conserve only what we love; we will love only what we understand and we will understand only what we are taught.”

— **Baba Dioum**

“It may feel that what you do is only a drop in the ocean but the ocean would be less without that drop.” -Mother Teresa

From: [Janelle Van ruiten](#)
To: [WAM Testimony](#)
Subject: In support of SB2077
Date: Friday, February 23, 2018 9:31:07 PM

Please pass SB2077 with amendments requested by The Humane Society of the United States, especially the amendment to incorporate bill language to clarify that as used in this chapter, “wildlife” includes aquatic species.

Thank you,
Janelle Van Ruiten
Keiko Conservation

From: [M. Markl](#)
To: [WAM Testimony](#)
Subject: Support SB2077 on 2-28-18
Date: Monday, February 26, 2018 5:53:40 PM

Hello Committee Members And Chair(s):

Please support SB2077 for passage in your committee and please encourage all your colleagues for this bill for passage into law this session. It is hard to believe that Hawaii is only one of two states to not have done this already, since it markets itself to the world as a nature place and one of Aloha. Poaching is horrific and there should be no place here where it is tolerated. Please use your power to make sure poaching ends here now. Thank you. M. Markl

SB-2077-SD-1

Submitted on: 2/27/2018 9:31:26 AM

Testimony for WAM on 2/28/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments: