

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
AGRICULTURE AND ENVIRONMENT**

March 13, 2020

2:45 PM

State Capitol, Conference Room 224

**In consideration of
HOUSE BILL 1748, HOUSE DRAFT 1
RELATING TO WILDLIFE OFFENSES**

House Bill 1748, House Draft 1 proposes to require that all animal parts, products, or items containing prohibited animal parts or products involved in the commission of wildlife trafficking or certain hunting offenses shall be considered contraband to be forfeited to and disposed of by the State. **The Department of Land and Natural Resources supports this measure and offers the following comments.**

Section 183D-5(b)(1), Hawaii Revised Statutes (HRS), states that a first conviction for a covered offense shall result in a mandatory fine of not less than \$200, or by imprisonment of not more than one year, or both. Including the proposed contraband and forfeiture language into Section 183D-5(b)(1), HRS, makes the penalty much more operative in the real world. When the products from, and implements used in, the commission of wildlife trafficking are seized, the criminal activity is more effectively hampered than when violators are simply fined or imprisoned. Removing trafficked products from the market and taking the firearms out of the hands of poachers is a step in the right direction towards ending wildlife trafficking.

Thank you for the opportunity to comment on this measure.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515

DWIGHT K. NADAMOTO
ACTING PROSECUTING ATTORNEY



LYNN B.K. COSTALES
ACTING FIRST DEPUTY
PROSECUTING ATTORNEY

THE HONORABLE MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Thirtieth State Legislature
Regular Session of 2020
State of Hawai`i

March 13, 2020

RE: H.B. 1748, H.D. 1; RELATING TO WILDLIFE OFFENSES.

Chair Gabbard, Vice Chair Ruderman, and members of the Senate Committee on Agriculture and Environment, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") **strongly supports** H.B. 1748, H.D. 1. This bill is part of the Department's 2020 legislative package.

Prior to the passage of Act 125 (2016), Hawaii was one of the nation's largest markets for ivory and other wildlife products. Since its passage, Hawaii joined New York and California as one of the three largest ivory markets to enact statutes banning the sale of such products¹. Despite these great strides, loopholes in our laws have allowed unscrupulous brick and mortar stores and online sellers to retain these products long enough to continue selling them on the black market, even after law enforcement has successfully identified and prosecuted them. The purpose of H.B. 1748, H.D. 1, is to strengthen Hawaii's laws, by empowering law enforcement and our courts to order that these contraband items be forfeited, and decrease the amount of contraband ivory in circulation.

Currently, section §183D-5(b)(1), Hawaii Revised Statutes (Wildlife Trafficking Prohibited) does not expressly allow for the forfeiture and disposal of wildlife contraband upon a first conviction. Therefore, despite the Department's efforts to remove these illegal items from circulation, and after successfully locating and prosecuting someone for selling an illegal ivory product, our courts are left no other option but to return all additional pieces of ivory that were confiscated during the initial arrest. These returned items typically "disappear" thereafter, most likely placed back into circulation on the black market or internet, avoiding further detection or

¹ International Fund for Animal Welfare, Wildlife Conservation Society, Natural Resources Defense Council, and The Humane Society International. (2016). An Investigation of Hawaii's Online Ivory Trade at 5, available at https://d1jyxxz9imt9yb.cloudfront.net/resource/101/attachment/original/Hawaii-Market-Survey_1.pdf

prosecution by law enforcement. H.B. 1748, H.D. 1, creates the mechanism and tools by which our courts may forfeit those additional items before they can be returned to the stream of commerce, and stop the cycle of illegal trafficking on those items.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports H.B. 1748, H.D. 1. Thank you for the opportunity to testify on this matter.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515

DWIGHT K. NADAMOTO
ACTING PROSECUTING ATTORNEY



LYNN B.K. COSTALES
ACTING FIRST DEPUTY
PROSECUTING ATTORNEY

THE HONORABLE MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Thirtieth State Legislature
Regular Session of 2020
State of Hawai`i

March 13, 2020

RE: H.B. 1748, H.D. 1; RELATING TO WILDLIFE OFFENSES.

Chair Gabbard, Vice Chair Ruderman, and members of the Senate Committee on Agriculture and Environment, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") **strongly supports** H.B. 1748, H.D. 1. This bill is part of the Department's 2020 legislative package.

Prior to the passage of Act 125 (2016), Hawaii was one of the nation's largest markets for ivory and other wildlife products. Since its passage, Hawaii joined New York and California as one of the three largest ivory markets to enact statutes banning the sale of such products¹. Despite these great strides, loopholes in our laws have allowed unscrupulous brick and mortar stores and online sellers to retain these products long enough to continue selling them on the black market, even after law enforcement has successfully identified and prosecuted them. The purpose of H.B. 1748, H.D. 1, is to strengthen Hawaii's laws, by empowering law enforcement and our courts to order that these contraband items be forfeited, and decrease the amount of contraband ivory in circulation.

Currently, section §183D-5(b)(1), Hawaii Revised Statutes (Wildlife Trafficking Prohibited) does not expressly allow for the forfeiture and disposal of wildlife contraband upon a first conviction. Therefore, despite the Department's efforts to remove these illegal items from circulation, and after successfully locating and prosecuting someone for selling an illegal ivory product, our courts are left no other option but to return all additional pieces of ivory that were confiscated during the initial arrest. These returned items typically "disappear" thereafter, most likely placed back into circulation on the black market or internet, avoiding further detection or

¹ International Fund for Animal Welfare, Wildlife Conservation Society, Natural Resources Defense Council, and The Humane Society International. (2016). An Investigation of Hawaii's Online Ivory Trade at 5, available at https://d1jyxxz9imt9yb.cloudfront.net/resource/101/attachment/original/Hawaii-Market-Survey_1.pdf

prosecution by law enforcement. H.B. 1748, H.D. 1, creates the mechanism and tools by which our courts may forfeit those additional items before they can be returned to the stream of commerce, and stop the cycle of illegal trafficking on those items.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports H.B. 1748, H.D. 1. Thank you for the opportunity to testify on this matter.



Hawaiian Humane Society
People for animals. Animals for people.

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

Date: March 10, 2020

To: Chair Senator Mike Gabbard
Vice Chair Senator Russell Ruderman
and Members of the Committee on Agriculture and Environment

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

RE: Testimony in support of HB 1748, SD1: Relating to Wildlife Offenses
Wednesday, March 11, 2020, 2:45 p.m., Capitol Room 224

Aloha Chair Gabbard, Vice Chair Ruderman and Committee Members,

On behalf of the Hawaiian Humane Society, thank you for considering our support for House Bill 1748, SD1, which provides that all animal parts, products, or items containing prohibited animal parts or products involved in the commission of wildlife trafficking or certain hunting offenses shall be considered contraband to be forfeited to and disposed of by the State.

The Society supports the enforcement of animal protections and this bill will improve the ability of our state criminal justice system to penalize those who commit wildlife offenses. Requiring that anyone convicted of an offense under HRS 183D-66, HRS 183D-25.5, HRS 183D-26, HRS 183D-27, HRS 183D-32, HRS 183D-62 or HRS 183D-64, must forfeit any game harvested illegally or products of such animals is an appropriate consequence of illegal action.

We ask that you pass HB1748, SD1. Mahalo for your consideration.

HB-1748-HD-1

Submitted on: 3/11/2020 9:58:57 AM

Testimony for AEN on 3/13/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Inga Gibson	Testifying for Animal Welfare Institute, Pono Advocacy	Support	Yes

Comments:

HB-1748-HD-1

Submitted on: 3/9/2020 6:50:11 PM

Testimony for AEN on 3/13/2020 2:45:00 PM

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

Comments:

I support HB1748 HD1.

Prior to the passage of Act 125 (2016), Hawaii was one of the nation's largest markets for ivory and other wildlife products. Since its passage, Hawaii joined New York and California as one of the three largest ivory markets to enact statutes banning the sale of such products. Currently, section §183D-5(b)(1), Hawaii Revised Statutes (Wildlife Trafficking Prohibited) does not expressly allow for the forfeiture and disposal of wildlife contraband upon a first conviction. Therefore, despite the Department's efforts to remove these illegal items from circulation, and after successfully locating and prosecuting someone for selling an illegal ivory product, our courts are left no other option but to return all additional pieces of ivory that were confiscated during the initial arrest.

Mahalo for the opportunity to comment.

Benton Kealii Pang, Ph.D.