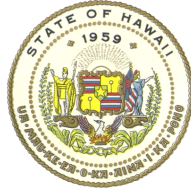


DAVID Y. IGE
GOVERNOR OF HAWAII



**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
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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
JUDICIARY**

**Tuesday, June 30, 2020
9:46 AM
State Capitol, Conference Room 016**

**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

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1060 RICHARDS STREET • HONOLULU, HAWAII 96813
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LYNN B.K. COSTALES
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THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirtieth State Legislature
Regular Session of 2020
State of Hawai`i

June 30, 2020

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

Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Committee on Judiciary, 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.

HB-1748-HD-1

Submitted on: 6/28/2020 2:13:52 PM

Testimony for JDC on 6/30/2020 9:46:00 AM

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

Comments:

ARH urges passage of HB1748

HB-1748-HD-1

Submitted on: 6/28/2020 8:05:16 PM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sylvia Dolena	Testifying for Aloha Animal Advocates	Support	No

Comments:

HB-1748-HD-1

Submitted on: 6/28/2020 3:50:51 AM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan Ramos	Individual	Support	No

Comments:

Aloha Chair Rhoads, Vice Chair Keohokalole, and Members of the JDC,

This is so simple it makes one wonder why the original law wasn't written this way to begin with. I will simply reiterate part of the City Department of the Prosecuting Attorney's March 13, 2020 testimony before AEN:

"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 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."

Mahalo,
Dylan Ramos
HD19, SD10 (Kaimuki)

HB-1748-HD-1

Submitted on: 6/28/2020 7:15:14 PM

Testimony for JDC on 6/30/2020 9:46:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ryuko Miura	Individual	Support	No

Comments:

HB-1748-HD-1

Submitted on: 6/29/2020 2:22:22 PM

Testimony for JDC on 6/30/2020 9:46:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Inga Gibson	Testifying for Pono Advocacy	Support	No

Comments:

Dear Chair Rhoads and Senate Judiciary Committee Members,

As a lead proponent representing dozens of wildlife and animal protection organizations who worked to enact Hawaii's 2016 ivory and wildlife trafficking law, we strongly support HB1748.

This measure would assist law enforcement and prosecuting attorneys offices with investigating and prosecuting cases that involve the sale, or possession with intent to sell, of ivory and other endangered wild animal parts, that continue to be sold in the state in violation of the law. This allows for forfeiture and destruction of such parts so they cannot re-enter the illegal market yet again, which is what drives the continued poaching of numerous endangered animals in both Hawaii and across the globe.

Thank you for your support of HB1748.

Inga Gibson

Pono Advocacy