



DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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**THE HONORABLE CHRIS LEE, CHAIR**  
**HOUSE COMMITTEE ON JUDICIARY**  
**Thirtieth State Legislature**  
**Regular Session of 2020**  
**State of Hawai`i**

February 24, 2020

**RE: H.B. 1748; RELATING TO WILDLIFE OFFENSES.**

Chair Lee, Vice Chair San Buenaventura, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") **strongly supports** H.B. 1748. 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 products<sup>1</sup>. 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 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 prosecution by law enforcement. H.B. 1748 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.

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<sup>1</sup> 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](https://d1jyxxz9imt9yb.cloudfront.net/resource/101/attachment/original/Hawaii-Market-Survey__1_.pdf)

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

**HB-1748**

Submitted on: 2/21/2020 5:57:52 PM

Testimony for JUD on 2/24/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cathy Goeggel	Animal Rights Hawai'i	Support	No

Comments:

Animal Rights Hawai'i strongly supports HB1748



**Hawaiian Humane Society**  
People for animals. Animals for people.

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

Date: Feb. 23, 2020

To: Chair Representative Chris Lee  
Vice Chair Representative Joy San Buenaventura  
and Members of the Committee on Judiciary

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

RE: Testimony in support of HB 1748: Relating to Wildlife Offenses  
Monday, Feb. 24, 2020, 2 p.m., Capitol Room 325

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Aloha Chair Lee, Vice Chair San Buenaventura and Committee Members,

On behalf of the Hawaiian Humane Society, thank you for considering our support for House Bill 1748, which provides that all firearms, 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 the equipment used to commit their crime, as well as any game harvested illegally, is an appropriate consequence of illegal action.

We ask that you pass HB 1748. Mahalo for your consideration.



**LATE**

House Committee on Judiciary  
Representative Chris Lee, Chair  
Representative Joy A. San Buenaventura, Vice Chair

State Capitol, Room 325  
HEARING: Monday, February 24, 2020, at 2PM  
RE: HB1748 Relating to Wildlife Offenses

Aloha Members of the House Committee,

The Hawaii Firearms Coalition **OPPOSES HB1748** and **REQUESTS AMENDMENTS**.

The original penalties in HRS 183D-5 are sufficient for a first time offense and the added penalty of firearms confiscation in this bill is not needed. Many of these offenses can be committed unintentionally or the violations do not warrant confiscation of firearms on a first offense. Most people don't even know there are prohibitions like these, like killing wild birds. Some of these offenses include:

- 183D-25.5 Guiding clients without a hunting guide license
- 183D-26 Hunting on private lands prohibited
- 183D27 Night hunting on private lands prohibition
- 183D-62 Taking, injuring, or destroying wild birds prohibited

HIFICO has talked to the Honolulu Dept of the Prosecuting Attorney who created this bill and both of us had agreed that forfeiture of firearms should not be a first offense punishment. It was inadvertently included in the bill. The prosecutor said their main intent was forfeiture of things such as ivory.

Request amendments to remove the forfeiture of firearms on the first offense. HIFICO does not oppose the bill if amended and the forfeiting of animal parts and related products received through the violation could be warranted.

Mahalo

Todd Yukutake  
Director, Hawaii Firearms Coalition  
PH. (808) 255-3066  
Email: todd@hifico.org

**LATE**

**HB-1748**

Submitted on: 2/24/2020 8:10:29 AM

Testimony for JUD on 2/24/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Inga Gibson	Pono Advocacy	Support	Yes

Comments:

**HB-1748**

Submitted on: 2/21/2020 6:42:49 PM

Testimony for JUD on 2/24/2020 2:00:00 PM

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

Comments:

Aloha Chair Lee, Vice-Chair Buenaventura and the House Committee on Judiciary,

My name is Benton Kealii Pang, and I have been a conservationist in Hawai'i for the past 30 years. I support HB1748. This bill provides that all firearms, 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. Hawai'i is at the crossroads of Asia and the Continental United States. It's geographic location increases the probability of wildlife trafficking, hunting offenses, and other contraband. This bill is an attempt to stop this illegal activity. Please pass HB1748.

Benton Kealii Pang, Ph.D.



**HB-1748**

Submitted on: 2/21/2020 11:26:06 PM

Testimony for JUD on 2/24/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
leslie farnel	for forgotten felines	Support	No

Comments:

I'm surprised this is not already standard practice. It should be a no brainer. We do it in other areas where criminal acts occur. It should follow suit in this area as well.

**LATE**

**HB-1748**

Submitted on: 2/23/2020 6:47:17 PM  
Testimony for JUD on 2/24/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members:

Please support HB1748. Limiting the sale of animal products will help reduce the demand for said products. The fur industry is extremely cruel to animals and bad for the environment.

Thank you for the opportunity to present my testimony.

Andrea Quinn

Kihej, Maui

**LATE**

**HB-1748**

Submitted on: 2/24/2020 1:48:23 AM

Testimony for JUD on 2/24/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gerard Silva	Individual	Oppose	No

Comments:

This would be a Violation of the 2nd Amendment.

We the people will be insisting on punishment of all violators of the Consitution!!!

**LATE**

**HB-1748**

Submitted on: 2/23/2020 8:51:15 PM  
Testimony for JUD on 2/24/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tom Lodge	Individual	Oppose	No

Comments:

There are few wildlife offenses that warrant confiscation of firearms here in Hawaii. Once our game animals are more rightfully appreciated, valued, and managed as such then these offenses mean something. As of today, other than a confiscation, there is little else that warrants this action.