

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
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**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
JUDICIARY**

**February 24, 2020
12:15 PM
State Capitol, Conference Room 016**

**In consideration of
SENATE BILL 2188, SENATE DRAFT 1
RELATING TO WILDLIFE OFFENSES**

Senate Bill 2188, Senate Draft 1 proposes to require that 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 is a step in the right direction towards ending wildlife trafficking. Including the confiscation of firearms for any subsequent violation within five years would be a further deterrent.

Thank you for the opportunity to comment on this measure.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
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CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirtieth State Legislature
Regular Session of 2020
State of Hawai`i

February 24, 2020

RE: S.B. 2188, 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** S.B. 2188, S.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 S.B. 2188, S.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 prosecution by law enforcement. S.B. 2188, S.B. 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.

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

For all the reasons above, the Department of the Prosecuting Attorney, City and County of Honolulu strongly supports S.B. 2188, S.B. 1. Thank you for the opportunity to testify on this matter.



Hawaiian Humane Society
People for animals. Animals for people.

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

Date: Feb. 21, 2020

To: Chair Sen. Karl Rhoads
Vice Chair Sen. Jarrett Keohokalole
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 SB 2188, SD1: Relating to Wildlife Offenses
Monday, Feb. 24, 2020, 12:15 p.m., Capitol Room 016

Aloha Chair Rhoads, Vice Chair Keohokalole and Committee Members,

On behalf of the Hawaiian Humane Society, thank you for considering our support for Senate Bill 2188, 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 SB 2188, SD1. Mahalo for your consideration.

SB-2188-SD-1

Submitted on: 2/21/2020 5:59:14 PM

Testimony for JDC on 2/24/2020 12:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Testifying for Animal Rights Hawai'i	Support	No

Comments:

Animal Rights Hawai'i strongly supports SB2188 SD1

SB-2188-SD-1

Submitted on: 2/23/2020 5:05:18 AM

Testimony for JDC on 2/24/2020 12:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kamalani Keliikuli	Individual	Support	No

Comments:

SB-2188-SD-1

Submitted on: 2/21/2020 6:54:30 PM

Testimony for JDC on 2/24/2020 12:15:00 PM

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

Comments:

Aloha Chair Rhoads, Vice-Chair Keohokalole and the Senate 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 SB2188 SD1. 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 SB2188 SD1.

Benton Kealii Pang, Ph.D.

LATE

SB-2188-SD-1

Submitted on: 2/23/2020 6:39:15 PM

Testimony for JDC on 2/24/2020 12:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members:

Please support SB2188. The fur industry is cruel to animals and is an environmental nightmare.

Over 100 million animals are killed annually for their fur. Most comes from animals like foxes, mink and raccoon dogs, who are factory-farmed solely for their fur.

Animal cruelty is the norm in the fur industry. On fur factory farms, undomesticated animals are locked in cramped, wire cages for their entire lives, deprived of the ability to engage in natural behaviors. They're killed in horrific ways—such as crude gassing anal or genital electrocution and neck breaking.

In the wild, archaic and indiscriminate traps often maim or kill non-target animals—even endangered species and pets.

The fur industry also poses serious environmental threats. Waste from fur factory farms pollutes the soil and waterways. And furriers process pelts in toxic, carcinogenic chemicals, including chromium and formaldehyde, to prevent them from rotting.

HB 1689 would eliminate Hawaii's contribution to these animal abuses and environmental harms by making it illegal to sell or manufacture a new fur product in the state.

Thank you for the opportunity to present my testimony.

Andrea Quinn

Kihei, Maui

LATE

SB-2188-SD-1

Submitted on: 2/24/2020 1:06:01 AM

Testimony for JDC on 2/24/2020 12:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gerard Silva	Individual	Oppose	No

Comments:

Just because you change some words does not make this alright. This bill is Unconstutional.

Kill the Bill.