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GOVERNOR OF HAWAII



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

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SUZANNE D. CASE
CHAIRPERSON
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
JUDICIARY**

**March 11, 2020
2:00 PM
State Capitol, Conference Room 325**

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

Senate Bill 2188, Senate Draft 1 proposes to require 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 Department of Land and Natural Resources supports this measure and offers the following comments.**

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

March 11, 2020

RE: S.B. 2188, H.D. 1; 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** 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.

SB-2188-SD-1

Submitted on: 3/9/2020 2:58:13 PM

Testimony for JUD on 3/11/2020 2:00:00 PM

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

Comments:



Hawaiian Humane Society
People for animals. Animals for people.

2700 Waiālae Avenue Honolulu, Hawaii 96826
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Date: March 10, 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 SB 2188, SD1: Relating to Wildlife Offenses
Wednesday, March 11, 2020, 2 p.m., Capitol Room 325

Aloha Chair Lee, Vice Chair San Buenaventura 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: 3/11/2020 9:57:57 AM

Testimony for JUD on 3/11/2020 2:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Inga Gibson	Animal Welfare Institute, Pono Advocacy	Support	No

Comments:

SB-2188-SD-1

Submitted on: 3/10/2020 9:30:21 PM

Testimony for JUD on 3/11/2020 2:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Gordon B. Lindsey	Individual	Support	No

Comments:

I SUPPORT SB 2188 because it would provide safety both metally and physically for all that must live close by to these huge mechanical structures.

LATE

SB-2188-SD-1

Submitted on: 3/10/2020 10:05:04 PM
Testimony for JUD on 3/11/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joanna Maile Pokipala	Individual	Support	No

Comments:

I support SB2188