

JAN 19 2007

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# A BILL FOR AN ACT

RELATING TO HUNTING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that it is important to  
2 preserve, protect, and conserve the State's wildlife. The  
3 department of land and natural resources, under chapter 183D,  
4 Hawaii Revised Statutes, is authorized to manage and administer  
5 the wildlife and wildlife resources of the State, including  
6 enforcing laws relating to protecting, taking, hunting, killing,  
7 propagating, or increasing the wildlife within the State.

8           Although hunting is a popular sport for many, the  
9 legislature further finds that it is important that the sport be  
10 regulated to ensure public safety, wildlife protection and  
11 preservation, and especially the humane treatment of any game  
12 bird or mammal. Under section 183D-21, Hawaii Revised Statutes,  
13 a hunting license issued by the department is required of any  
14 individual who wishes to hunt, pursue, kill, or take any game  
15 bird or mammal in Hawaii.

16           Body grip traps, commonly referred as Conibear traps, are  
17 popular devices used by hunters mainly for the trapping of small



1 game mammals. The traps consist of two rectangular frames that  
2 are hinged together midway on the long side to open and close  
3 like scissors. Originally intended to be an "instant killing"  
4 device, the trap is designed to snap shut in a scissor-like  
5 fashion on an animal's spinal column at the base of the skull.  
6 However, because it is impossible to control the size, species,  
7 and direction of the animal entering the trap, most animals do  
8 not die quickly when trapped, and instead endure prolonged  
9 suffering, and eventually die of its injuries.

10 Only a handful of states have banned hunters from using  
11 body grip traps because the traps are considered "quick killing"  
12 devices, and are not considered a threat to public safety or  
13 cruel to animals. Numerous research studies have confirmed,  
14 however, that the body grip trap does not kill instantly, and  
15 the trap has been cited as a device that causes inhumane  
16 treatment and cruelty to animals. Domestic animals are frequent  
17 victims of the trap, and there are numerous reported cases of  
18 dogs and cats found dead or severely injured after being caught  
19 in these devices. It is not known how many hunters in Hawaii  
20 use body grip traps to capture and kill game mammals. Existing  
21 laws and administrative rules do not ban these types of traps  
22 and they are easily accessible for purchase on the Internet.



1 Thus, hunters in Hawaii are not restricted from using these  
2 traps while hunting.

3 The purpose of this Act is to ban the use of body grip  
4 traps for hunting purposes in Hawaii and establish penalties for  
5 hunters who are found to be using these types of traps.

6 SECTION 2. Chapter 183D, Hawaii Revised Statutes, is  
7 amended by adding a new section to be appropriately designated  
8 and to read as follows:

9 "§183D- Hunting; body grip traps; penalties. (a) No  
10 person shall use, set, maintain, or possess a body grip trap to  
11 hunt for and kill any game mammal in the State.

12 (b) Any person violating this section or any rule adopted  
13 pursuant to this section shall be guilty of a misdemeanor under  
14 section 183D-5(b).

15 (c) The department shall adopt rules pursuant to chapter  
16 91 to carry out the purposes of this section."

17 SECTION 3. Section 183D-1, Hawaii Revised Statutes, is  
18 amended by adding a new definition to be appropriately inserted  
19 and to read as follows:

20 "Body grip trap" means any trap used to capture and kill  
21 game mammals that consists of two metal rectangular frames  
22 hinged together midway on the long side, which is designed to



1 snap shut in a scissor-like fashion on an animal's spinal column  
2 at the base of the skull."

3 SECTION 4. Section 183D-5, Hawaii Revised Statutes, is  
4 amended by amending subsection (b) to read as follows:

5 "(b) Any person violating section 183D- , 183D-25.5,  
6 183D-26, 183D-27, 183D-32, 183D-62, or 183D-64 shall be guilty  
7 of a misdemeanor, and upon conviction thereof, shall be punished  
8 as follows:

9 (1) For a first conviction by a mandatory fine of not less  
10 than \$200, or by imprisonment of not more than one  
11 year, or both;

12 (2) For a second conviction within five years of a  
13 previous conviction, by a mandatory fine of not less  
14 than \$1,000, or by imprisonment of not more than one  
15 year, or both, and all firearms used in the commission  
16 of such violations shall be considered contraband to  
17 be forfeited to and disposed of by the State; and

18 (3) For a third or subsequent conviction within five years  
19 of the first two or more convictions, by a mandatory  
20 fine of not less than \$2,000, or by imprisonment of  
21 not more than one year, or both, and all firearms used  
22 in the commission of such violations shall be



1           considered contraband to be forfeited to and disposed  
2           of by the State."

3           SECTION 5.   New statutory material is underscored.

4           SECTION 6.   This Act shall take effect upon its approval.

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INTRODUCED BY:

  
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**Report Title:**

Body Grip Traps; Hunting; Ban; Penalties

**Description:**

Prohibits the use of body grip traps while hunting. Establishes penalties.

