
SENATE RESOLUTION

URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, IN CONSULTATION WITH THE DEPARTMENT OF THE ATTORNEY GENERAL AND THE OFFICE OF HAWAIIAN AFFAIRS, TO EVALUATE THE FEASIBILITY OF ESTABLISHING LAWS TO REQUIRE WRITTEN PERMISSION FROM THE LANDOWNER IN ORDER TO HUNT ON PRIVATE LANDS AND TO DISCUSS POTENTIAL AMENDMENTS TO CRIMINAL TRESPASSING LAWS TO ADDRESS HUNTING SITUATIONS.

1 WHEREAS, farmers and ranchers have continually experienced
2 problems, including damage and injury caused by trespassing
3 hunters, yet have no recourse against trespassers and are
4 defenseless against claims by the trespassers for incidents on
5 private land despite the trespassers' illegal entry; and
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7 WHEREAS, poaching and agricultural theft have escalated
8 over the years and must be better controlled through proper
9 enforcement and strict sentencing; and
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11 WHEREAS, trespassing hunters also present safety issues for
12 the farmers, ranchers, their families, and workers; and
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14 WHEREAS, existing laws inadequately protect private
15 landowners from bodily injury and damage to property, livestock,
16 and crops as a result of entry onto private property by
17 trespassers engaged in hunting with firearms; and
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19 WHEREAS, private landowners are willing to work with
20 licensed hunters who often assist the landowners in controlling
21 the population of feral ungulates such as pigs, goats, and deer
22 that damage the environment; and
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24 WHEREAS, requiring written permission from private
25 landowners for hunting or other legitimate purposes is the very
26 least that should be done to address the ongoing concerns of
27 property owners relating to trespass, however, any changes in
28 the laws should be done after thoughtful discussion and
29 evaluation in order to identify and address possible issues and
30 avoid unintended consequences; now, therefore,
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1 BE IT RESOLVED by the Senate of the Twenty-sixth
2 Legislature of the State of Hawaii, Regular Session of 2012,
3 that the Department of Land and Natural Resources, in
4 consultation with the Department of the Attorney General and the
5 Office of Hawaiian Affairs, is urged to:

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- 7 (1) Evaluate the feasibility of establishing laws to
8 require written permission from landowners in order to
9 hunt on private lands; and
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- 11 (2) Engage in discussions regarding amending the criminal
12 trespassing laws to address hunting situations,
13 specifically to restrict unlawful entry on private
14 property while in the possession of a firearm; and
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16 BE IT FURTHER RESOLVED that the discussions among the
17 Department of Land and Natural Resources, the Department of the
18 Attorney General, and the Office of Hawaiian Affairs include but
19 not be limited to issues relating to:

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- 21 (1) The feasibility of obtaining written permission from a
22 private landowner;
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- 24 (2) The feasibility of obtaining written permission when
25 the hunting occurs on the property of an absent,
26 abutting, or nearby landowners;
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- 28 (3) The enforcement of laws requiring prior written
29 permission or criminal trespass when property
30 boundaries are unclear; and
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- 32 (4) The impact that new or amended laws relating to
33 hunting may have on protecting all Native Hawaiian
34 rights customarily and traditionally exercised for
35 subsistence, cultural, and religious purposes pursuant
36 to article XII, section 7, of the Hawaii State
37 Constitution; and
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39 BE IT FURTHER RESOLVED that the Department of Land and
40 Natural Resources is requested to submit a report of its
41 findings and any proposed legislation to the Legislature no
42 later than twenty days prior to the convening of the Regular
43 Session of 2013; and

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1 BE IT FURTHER RESOLVED that certified copies of this
2 Resolution be transmitted to the Chairperson of the Board of
3 Land and Natural Resources, Attorney General, and Chairperson of
4 the Office of Hawaiian Affairs.

