
A BILL FOR AN ACT

RELATING TO HUNTING GUIDES.

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

1 SECTION 1. The legislature finds that guided hunting tours
2 help manage game populations, provide a livelihood for hunting
3 guides, and help drive Hawaii's economy. The legislature
4 further finds that, with the rising popularity of guided hunting
5 tours, some hunting guides are taking their clients to hunt on
6 private lands without obtaining permission from the landowners,
7 and landowners have alarmingly witnessed unknown persons walking
8 on their land with guns or other weapons. While existing law
9 prohibits hunters from hunting on private lands without first
10 obtaining permission from the landowner, some hunting guides
11 misrepresent to their clients that they have obtained verbal
12 permission from the landowner, leading to disagreements and
13 allegations of trespassing, which damages the reputation of the
14 State's guided hunting tour industry.

15 The purpose of this Act is to require hunting guides to:

16 (1) Obtain written permission from the owners, occupiers,
17 holders, or duly appointed agents of private lands



1 before taking their clients to hunt on the private
2 land; and

3 (2) Submit a copy of the written permission to the
4 department of land and natural resources as part of
5 their annual reports.

6 SECTION 2. Section 183D-25.5, Hawaii Revised Statutes, is
7 amended by amending subsection (c) to read as follows:

8 "(c) Hunting guides shall [provide], within thirty days
9 after the expiration of their hunting guide licenses issued
10 pursuant to this section, submit an annual report of their guide
11 activities to the department [of their guide activities that].

12 The annual report shall include [the]:

- 13 (1) The number of clients served [and the];
- 14 (2) The clients' residency status[-];
- 15 (3) The location of each guided hunt;
- 16 (4) For each guided hunt that occurred on private land, a
17 copy of the written permission from the owner,
18 occupier, holder, or duly appointed agent thereof of
19 the land or premises effective at the time of the
20 guided hunt that was issued to the hunting guide
21 pursuant to section 183D-26(b); and



1 (5) Other information as required by the department.
2 [~~The reports shall be submitted within thirty days after the~~
3 ~~expiration of the hunting guide license issued pursuant to this~~
4 ~~section. The failure]~~ Failure to submit an annual report within
5 the time specified shall be grounds for the revocation and
6 nonrenewal of the hunting guide license."

7 SECTION 3. Section 183D-26, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§183D-26 Hunting on private lands prohibited.** (a) No
10 person shall enter upon any land or premises belonging to, held,
11 or occupied by another, for the purpose of hunting or to take
12 any kind of wildlife, including game, without first having
13 obtained permission from the owner or a duly appointed agent [~~or~~
14 ~~if~~]; provided that the owner is the occupier or holder [~~or if~~
15 of the land or premises; provided further that, if the owner has
16 let another occupy or hold the [~~same, without having first~~
17 ~~obtained]~~ land or premises, the permission [~~of~~] shall be
18 obtained from the occupier or holder [~~thereof~~], or the duly
19 appointed agent of the occupier or holder [~~or~~] of the land or
20 premises.



1 (b) Hunting guides licensed pursuant to section 183D-25.5
2 shall first obtain the permission required in subsection (a) in
3 writing before guiding clients upon private lands.

4 [~~(b)~~] (c) No prosecution shall be brought under this
5 section, except upon the sworn complaint of the owner, occupier,
6 or holder of the land or premises, or a duly appointed agent[~~r~~
7 ~~e~~]; provided that, if the owner, occupier, or holder is either
8 a corporation or [a] partnership, [then] the complaint shall be
9 sworn to by an officer of the corporation or [by one of the
10 members] a member of the partnership."

11 SECTION 4. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 5. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 6. This Act shall take effect on June 30, 3000.



Report Title:

Hunting Guides; Private Land; Annual Reports; DLNR; Written
Permission

Description:

Requires hunting guides who take their clients to hunt on private lands to first obtain written permission from the owner, occupier, holder, or duly appointed agent of the private land, where appropriate. Requires hunting guides to provide copies of the written permissions and other information as part of their annual reports to the Department of Land and Natural Resources. Effective 6/30/3000. (HD2)

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