THE SENATE THIRTY-SECOND LEGISLATURE, 2024 STATE OF HAWAII S.B. NO. 2546

JAN 1 9 2024

### A BILL FOR AN ACT

RELATING TO HUNTING GUIDES.

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

1 The legislature finds that guided hunting tours SECTION 1. 2 help manage game populations, provide a livelihood for hunting 3 quides, and help drive Hawaii's economy. The legislature 4 further finds that, with the rising popularity of quided 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 allegations of trespassing, which damages the reputation of the 13 State's guided hunting tour industry. 14

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



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1	(1)	Obtain written permission from the owners of private
2		lands before taking their clients to hunt on the
3		private land; and
4	(2)	Submit a copy of the written permission to the
5		department of land and natural resources as part of
6		their annual reports.
7	SECT	ION 2. Section 183D-25.5, Hawaii Revised Statutes, is
8	amended b	y amending subsection (c) to read as follows:
9	"(c)	Hunting guides shall [ <del>provide</del> ] <u>submit</u> an annual
10	report <u>of</u>	their guide activities to the department [of their
11	<del>guide act</del>	ivities that] within thirty days after the expiration
12	of their	hunting guide licenses issued pursuant to this section.
13	The annua	l report shall include [ <del>the number of clients served</del>
14	and the c	lients' residency status. The reports-shall be
15	submitted	within thirty days after the expiration of the hunting
16	guide license issued pursuant to this section. The failure]:	
17	(1)	The number of clients served;
18	(2)	The clients' residency status;
19	(3)	The location of each guided hunt;
20	(4)	A copy of the written permission from the owner or
21		duly appointed agent of the land or premises effective



1 at the time of the guided hunt that was issued to the 2 hunting guide pursuant to section 183D-26(b) for each 3 guided hunt that occurred on private land; and 4 (5) Other information as required by the department. 5 Failure to submit an annual report within the time specified 6 shall be grounds for the revocation and nonrenewal of the 7 hunting guide license." 8 SECTION 3. Section 183D-26, Hawaii Revised Statutes, is 9 amended to read as follows: 10 "§183D-26 Hunting on private lands prohibited. (a) No 11 person shall enter upon any land or premises belonging to, held, 12 or occupied by another, for the purpose of hunting or to take 13 any kind of wildlife, including game, without first having 14 obtained permission from the owner or a duly appointed agent  $[\tau]$ 15 if]; provided that the owner is the occupier or holder[, or if] of the land or premises; provided further that, if the owner has 16 17 let another occupy or hold the [same, without having first 18 obtained] land or premises, the permission [of] shall be 19 obtained from the occupier or holder [thereof], or the duly 20 appointed agent of the occupier or holder [-] of the land or 21 premises.



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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 [<del>(b)</del>] (c) No prosecution shall be brought under this 5 section, except upon the sworn complaint of the owner, occupier, or holder of the land or premises, or a duly appointed agent [-, -]6 7 or]; provided that, if the owner, occupier, or holder is either

a corporation or a partnership, [then] the complaint shall be 8 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 upon its approval.

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INTRODUCED BY: Jyp De Crite



#### Report Title:

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

#### Description:

Requires hunting guides who take their clients to hunt on private lands to first obtain written permission from the owner of the private land, or occupier or holder, where appropriate. Requires hunting guides to provide copies of the written permissions obtained to hunt on private lands as part of their annual reports to the Department of Land and Natural Resources.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

