



**WRITTEN TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2026**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2128, S.D. 1, RELATING TO TRESPASS.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY

**DATE:** Friday, February 27, 2026

**TIME:** 10:30 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** **WRITTEN TESTIMONY ONLY.**

(For more information, contact Mark S. Tom,  
Deputy Attorney General, at 808-586-1160)

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Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) submits the following comments and suggested amendments.

The purpose of this bill is to increase penalties for the offense of hunting on private lands under section 183D-26, Hawaii Revised Statutes (HRS), and to authorize forfeiture of firearms or motor vehicles used in connection with the offense. The Department recommends addressing these issues by amending the penalty statute in section 183D-5, HRS, rather than amending the substantive offense in section 183D-26, HRS. Amending section 183D-5 will better ensure consistency within chapter 183D and avoid unintended conflicts with existing penalty provisions enacted in 2025.

**1. Restore section 183D-26 to the misdemeanor penalty schedule in section 183D-5(b).**

Section 183D-26, HRS, has historically been included among the misdemeanor offenses sentenced under section 183D-5(b), HRS, with mandatory fines that increase for repeat offenses within a five-year period. However, section 183D-26 is not currently listed in section 183D-5(b), HRS, following amendments made by Act 235, Session Laws of Hawaii 2025 (Act 235). To ensure that violations of section 183D-26 are clearly treated as misdemeanor offenses under chapter 183D's established penalty framework, the Department recommends amending section 183D-5(b), HRS, as follows:

(b) Any person violating section 183D-25.5, **183D-26**, 183D-32, 183D-62, 183D-64, or 183D-66 shall be guilty of a misdemeanor, and upon conviction thereof . . . .

**2. Clarify forfeiture authority for section 183D-26 offenses occurring on non-agricultural private land.**

Act 235 already authorizes forfeiture under chapter 712A for violations of section 183D-26 or 183D-27 occurring on agricultural land and establishes a specific felony sentencing structure for those offenses. If the Committee intends forfeiture authority to apply to section 183D-26 violations occurring on private, **non-agricultural** lands, that intent would be more clearly achieved through a conforming amendment to section 183D-5, HRS. Amending section 183D-26 directly may create inconsistencies with the existing penalty framework in section 183D-5, HRS, including the felony sentencing provisions applicable to offenses occurring on agricultural land. Accordingly, the Department recommends supplementing the end of section 183D-5(b), as follows:

. . . provided that any violation of section 183D-26 or 183D-27 that occurs on agricultural land shall be sentenced pursuant to subsection (d)[-]; and provided further that, regardless of whether the offense occurs on agricultural land, all animal parts, products, or items containing prohibited animal parts or products involved in the commission of an offense under section 183D-26 shall be considered contraband to be forfeited to and disposed of by the State; provided further that, regardless of whether the offense occurs on agricultural land, any property used in the commission of an offense under section 183D-26, or that facilitated or assisted in the offense, including firearms, hunting animals, or vehicles, shall be subject to forfeiture under chapter 712A.

To implement the amendments described above, the Department respectfully recommends that section 1 of the bill be deleted in its entirety and replaced with the following:

SECTION 1. Section 183D-5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

(b) Any person violating section 183D-25.5, **183D-26**, 183D-32, 183D-62, 183D-64, or 183D-66 shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced as follows:

(1) For a first conviction, by a mandatory fine of not less than \$200, or by imprisonment of not more than one year, or both and all animal parts, products, or items containing prohibited animal parts or products involved

in the commission of the violations shall be considered contraband to be forfeited to and disposed of by the State;

- (2) For a second conviction within five years of a previous conviction, by a mandatory fine of not less than \$1,000, or by imprisonment of not more than one year, or both, and all firearms, animal parts, products, or items containing prohibited animal parts or products used in the commission of the violations shall be considered contraband to be forfeited to and disposed of by the State; and
- (3) For a third or subsequent conviction within five years of the first two or more convictions, by a mandatory fine of not less than \$2,000, or by imprisonment of not more than one year, or both, and all firearms, animal parts, products, or items containing prohibited animal parts or products used in the commission of the violations shall be considered contraband to be forfeited to and disposed of by the State;

provided that any violation of section 183D-26 or 183D-27 that occurs on agricultural land shall be sentenced pursuant to subsection (d) [-]; and provided further that, regardless of whether the offense occurs on agricultural land, all animal parts, products, or items containing prohibited animal parts or products involved in the commission of an offense under section 183D-26 shall be considered contraband to be forfeited to and disposed of by the State; provided further that, regardless of whether the offense occurs on agricultural land, any property used in the commission of an offense under section 183D-26, or that facilitated or assisted in the offense, including firearms, hunting animals, or vehicles, shall be subject to forfeiture under chapter 712A.

Thank you for the opportunity to comment on this bill.



**LATE**

**TESTIMONY IN OPPOSITION OF SENATE BILL 2128 SD1**  
RELATING TO TRESPASS

Senate Committee on Judiciary  
Hawai'i State Capitol

February 27, 2026

10:30 AM

Room 016

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Committee on Judiciary:

The Office of Hawaiian Affairs (OHA) **OPPOSES** SB2128 SD1, which would require the forfeiture to the State of any firearm or motor vehicle possessed and used by a person who hunts on private land without the permission of the landowner or occupier, pursuant to Chapter 712A, Hawai'i Revised Statutes (HRS).

The Office of Hawaiian Affairs is the constitutionally established body responsible for protecting and promoting the rights of Native Hawaiians.<sup>1</sup> Among its statutory duties, OHA is required to assess the policies and practices of other agencies impacting Native Hawaiians and conduct advocacy efforts on their behalf.<sup>2</sup> In fulfilling these mandates, OHA regularly intervenes when proposals may have a potential negative impact on Native Hawaiian traditional and customary practices, including subsistence hunting and gathering rights protected under Article XII, section 7 of the Hawai'i Constitution and HRS § 1-1. Accordingly, OHA is in opposition to this bill due to the significant implications for the exercise of those rights.

We respectfully acknowledge this bill's intent to deter unlawful hunting on private agricultural lands and recognize that unauthorized hunting can create safety concerns and liability issues for landowners. However, as drafted, **this bill is overly broad and risks imposing disproportionate penalties on individuals lawfully exercising constitutionally protected Native Hawaiian traditional and customary gathering rights.** Additionally, in many remote areas, large private properties are not clearly marked or fenced, and boundary lines may not be readily apparent on the ground. Imposing mandatory forfeiture in situations where property boundaries are unclear is an unduly harsh consequence. We respectfully urge the Legislature to consider less burdensome deterrent measures that do not inadvertently impair protected rights.

Article XII, section 7 of the Hawai'i Constitution provides that the State shall protect "all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes" by

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<sup>1</sup> Haw. Const. Art. XII § 5.

<sup>2</sup> HRS § 10-3.

Native Hawaiians. HRS § 1-1 similarly preserves Hawaiian usage and customs that are not inconsistent with state law. These provisions collectively safeguard the right of qualified Native Hawaiians to engage in traditional and customary practices, including gathering and subsistence hunting, even on undeveloped private lands.<sup>3</sup>

In criminal cases, such as trespass or other hunting-related offenses, Native Hawaiian traditional and customary rights are raised and evaluated at the adjudication stage as an affirmative defense. The individual bears the burden of demonstrating that the activity constituted a constitutionally protected traditional and customary practice exercised in a reasonable manner under the circumstances.<sup>4</sup> As a result, practitioners may be subject to citation or arrest before their rights are formally recognized.

**At issue in this bill, under HRS § 712A-6(c), law enforcement officers may seize property subject to forfeiture without court process upon a showing of probable cause. This means that a vehicle or firearm could be seized immediately upon citation or arrest, before any judicial determination of whether the individual’s conduct was constitutionally protected.**

For Native Hawaiian practitioners who rely on their vehicles for essential everyday needs like employment and family obligations, the loss of a vehicle, even temporarily, can impose severe economic hardship. An individual lawfully exercising protected rights could be deprived of essential property for months while awaiting resolution. Such a burden risks chilling the exercise of constitutionally protected gathering and subsistence practices.

The Hawai‘i Supreme Court has consistently held that Native Hawaiian traditional and customary rights may be subject to reasonable regulation, but not extinguishment or unreasonable interference.<sup>5</sup> A mandatory forfeiture regime that may apply automatically upon alleged unauthorized hunting—without regard to whether the individual is asserting constitutionally protected rights—raises serious concerns of overbreadth and disproportionate impact.

For the reasons stated above, OHA respectfully urges this committee to **DEFER SB2128 SD1**.

Mahalo nui for the opportunity to testify on this critical issue.

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<sup>3</sup> These rights have been repeatedly affirmed by the Supreme Court. See *Pele Def. Fund v. Paty*, 73 Haw. 578 (1992); *Pub. Access Shoreline Haw. v. Haw. Cnty. Planning Comm’n* (PASH), 79 Hawai‘i 425 (1995).

<sup>4</sup> *State v. Hanapi*, 89 Hawai‘i 177 (1998).

<sup>5</sup> See e.g., *PASH*, 79 Hawai‘i at 450–451.

**SB-2128-SD-1**

Submitted on: 2/24/2026 9:47:18 AM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Andrew Namiki Roberts	Testifying for Hawaii Firearms Coalition	Comments	Written Testimony Only

Comments:

Submitted by Hawaii Firearms Coalition

Hawaii Firearms Coalition offers the following comments on SB2128 (SD1).

As a matter of principle, we do not support the confiscation of firearms except in cases involving the most heinous crimes and after full constitutional due process protections have been afforded. The right to keep and bear arms is a fundamental constitutional right, and any legislation impacting that right must be narrowly tailored, clearly defined, and consistent with both the Hawai'i and United States Constitutions.

That said, we acknowledge and appreciate the legislative changes made to this measure by the WLA committee. The amendments adopted in the SD1 version appear to reflect a more careful consideration of scope, clarity, and procedural safeguards than prior drafts. When legislation implicates constitutional rights, precision in drafting and restraint in application are essential, and we recognize the effort made to improve the bill in this regard.

We continue to urge the Legislature to ensure that any firearm-related restriction includes clear standards, strong evidentiary requirements, meaningful due process protections, and appropriate limitations to prevent overreach. Laws affecting fundamental rights must be crafted with the utmost caution.

Mahalo for the opportunity to provide comments.

**SB-2128-SD-1**

Submitted on: 2/23/2026 6:31:52 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kevin J. Cole	Testifying for NRA Hawaii	Oppose	Written Testimony Only

Comments:

Aloha,

SB2128 is an overreach. Hunters are not poachers. If they trespass, it is most likely due to poor road/property markings. Such harsh measures are not needed in such cases.

V/R

Kevin J. Cole, Lead Volunteer NRA Hawaii

**SB-2128-SD-1**

Submitted on: 2/25/2026 12:33:39 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Brendan Balthazar	Testifying for Diamond B Ranch LLC	Support	Written Testimony Only

Comments:

I am very glad that this bill was introduced. It is about time farmers and ranchers have been dealing with this issue for years. The pennelties in the past is no deterrent. Even the first time crime should be raised from 700 . Loosing thier firearms, vehicle and or Utility vehicle may make them think twice. We not only deal with the hunting but they cut the fences to get in and out livestock gets out . We usually get called late evening or at night . Night before last we were dealing with 6 bulls in a persons yard due to someone who cut the fence to get in with there atv. The people saw them early afternoon packing a pig on the back of the bike. Lot of times they shoot livestock when they don't see any game. And the risk of us confronting a person with a gun becomes a dangertous situation.

Brendan Balthazar



**Hawaii Cattlemen's Council, Inc.**

COMMITTEE ON JUDICIARY  
Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

**SB2128 SD1**  
RELATING TO TRESPASS

Friday, February 27, 2026, 10:30 AM  
Conference Room 016 & Videoconference

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee,

The Hawaii Cattlemen's Council **supports SB2128 SD1** which provides that any firearm or motor vehicle possessed and used by a person who hunts on private land without the permission of the owner or occupier of the land shall be forfeited to the State in accordance with chapter 712A, HRS.

While we support **SB2128 SD1** and recognize that the initial fine serves as a precursor to stricter penalties like firearm or vehicle forfeiture, we **respectfully recommend raising the minimum fine amount to at least \$2000**. This ensures the law remains a strong deterrent against trespassing and poaching. We also request that the

Trespassing and poaching is rampant on ranches. When permission is not obtained from the land owner, this causes a safety hazard for the families that manage these areas as well as for the livestock. We are grateful for the resources dedicated to the Department of Law Enforcement to address agricultural crimes, but ranchers will continue to contend with poachers until there are substantial consequences put into place. Forfeiture of firearms and vehicles used to hunt without permission is a substantial penalty that we believe will deter criminal behavior, if enforced and prosecuted fully.

We appreciate the opportunity to testify on this measure. The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four county-level Cattlemen's Associations. Ranchers produce a high-quality protein and are the stewards of almost 750 thousand acres of land in Hawaii, or nearly 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

Nicole Galase  
Hawaii Cattlemen's Council  
Managing Director



**SB-2128-SD-1**

Submitted on: 2/25/2026 4:15:23 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Theresa Thompson	Testifying for Thompson Ranch	Support	Written Testimony Only

Comments:

I support SB 2128 RELATING TO TRESPASS.

Mahalo,

Theresa Thompson, Kula, Maui



P.O. Box 253, Kunia, Hawai'i 96759  
Phone: (808) 848-2074; Fax: (808) 848-1921  
e-mail [info@hfbf.org](mailto:info@hfbf.org); [www.hfbf.org](http://www.hfbf.org)

February 27, 2026

HEARING BEFORE THE  
SENATE COMMITTEE ON JUDICIARY

**TESTIMONY ON SB 2128, SD1**  
RELATING TO TRESPASS

Conference Room 016 & Videoconference  
10:30 AM

Aloha Chair Rhoads, Vice-Chair Gabbard, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate, and advance the social, economic, and educational interests of our diverse agricultural community.

**The Hawai'i Farm Bureau supports SB 2128, SD1**, which provides that any firearm or motor vehicle possessed and used by a person who hunts on private land without the permission of the owner or occupier of the land may be forfeited to the State.

Unpermitted hunting and trespassing on private agricultural lands remain serious and ongoing problems for farmers and ranchers across the State. These incidents endanger landowners, farm workers, families, and hunters themselves, and often result in damaged fences, destroyed crops, injured or killed livestock, theft, and vandalism.

SB 2128, SD1 strengthens deterrence by allowing for the forfeiture of firearms or motor vehicles used in illegal hunting on private land, upon a sworn complaint by the landowner. This approach targets repeat and intentional violators while reinforcing the basic principle that private property rights must be respected.

We appreciate that the measure allows judicial discretion for a first offense; however, we respectfully encourage the Committee to ensure that any alternative fine remains sufficiently strong to serve as a meaningful deterrent. Illegal hunting and trespassing on agricultural lands result in real economic losses, safety risks, and property damage, and penalties should reflect the seriousness of those impacts.

The burden should never fall on farmers or ranchers to prove they did not give permission to a trespasser. In real-world situations, landowners encountering armed individuals on their property cannot easily determine intent and may reasonably fear for their safety,

their livelihood, or their families. This creates unnecessary and dangerous situations that can and should be prevented.

Law-abiding hunters who obtain proper permission have nothing to fear from this measure. SB 2128, SD1 does not change the requirement to secure permission to hunt on private land; it strengthens enforcement and provides meaningful consequences for those who knowingly violate the law.

Farmers and ranchers have worked with, and continue to work with, the Legislature and law enforcement to address trespass, theft, and illegal hunting. SB 2128, SD1 is a reasonable and necessary step to improve compliance, enhance safety, and protect agricultural operations.

Thank you for the opportunity to provide testimony and for your attention to the safety and property rights of Hawai'i's agricultural community.

**SB-2128-SD-1**

Submitted on: 2/26/2026 8:54:51 AM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Keith Unger	Testifying for McCandless Ranch	Support	Written Testimony Only

Comments:

Clean lines need to be draw to trespassers and poacher, other wise this behavior will continue and as we have seen in the past, with possibly deadly consequences. It will not take long for word to get out if vehicles and firearms are being forfeited. Otherwise, these types of activities will continue to happen.

**SB-2128-SD-1**

Submitted on: 2/26/2026 9:43:48 AM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sarah Blane	Testifying for Parker Ranch	Support	Written Testimony Only

Comments:

Parker Ranch offers its strong support of SB2128 SD1 to help us address the ongoing issue of trespassing and illegal hunting on our ranches.

We are grateful to our legislators and law enforcement for helping us to deter criminal behavior by enacting stronger penalties, and appreciate the opportunity to testify on this measure.

**LATE**

**SB-2128-SD-1**

Submitted on: 2/27/2026 7:29:27 AM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kristin Mack Almasin	Testifying for Ulupalakua Ranch	Support	Written Testimony Only

Comments:

We support SB2128. Thank you.

**LATE**

COMMITTEE ON JUDICIARY  
Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair  
SB2128 SD1  
RELATING TO TRESPASS  
Friday, February 27, 2026, 10:30 AM  
Conference Room 016 & Videoconference

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee,

I support **SB2128 SD1** which provides firearm or motor vehicle possessed and used by a person who hunts on private land without the permission of the owner or occupier of the land shall be forfeited to the State pursuant to chapter 712A, HRS.

In supporting **SB2128 SD1**, I strongly recommend raising the fines to a minimum of at least \$2,000. I support that forfeiture of firearms or vehicles are appropriate penalties to deter criminal behavior.

Trespassing and poaching has been a burden on my ranch. Outlaws come in, cut fences, leave gates open, and even hurt or kill our livestock. It has become dangerous because they carelessly shoot their firearms in the direction of livestock or other farmer's lands that could cause harm to more than just what they are trying to kill.

Thank you for your time,

Sharlei Iranon  
President  
Triple S Livestock, LLC

**SB-2128-SD-1**

Submitted on: 2/23/2026 6:14:11 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael I Rice	Individual	Oppose	Written Testimony Only

Comments:

I stand in OPPOSITION to this bill as currently worded. While I believe Poachers should be punished to the fullest extent of the law, I have some concerns about hunters being penalized for innocent mistakes or miscommunication.

The recent shooting of Cranston Pia by an illegal hunter has brought tensions between landowners and hunters, legal or not, to a boiling point, with many landowners wanting to make an example of irresponsible hunters.

On the ground it can be difficult to tell when you have entered property belonging to someone else, especially in unimproved and rural areas when the only physical boundaries can be ‘a straight line from that old pipe there, to this pipe, and from this pipe to the road.’ which may be factually incorrect.

While the option for a \$750 fine is a better alternative for a first offense, I believe it should be the default for a first offense rather than an ‘option’ for a judge to choose.

**SB-2128-SD-1**

Submitted on: 2/23/2026 6:20:01 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Chase Cavitt	Individual	Oppose	Written Testimony Only

Comments:

Aloha, I am writing in opposition of this bill as written even with the amendments that were proposed to have the option of a fine for a first time offense. I believe those drafting have possibly good intentions to dissuade poaching with occurs far too much in our islands but I feel the current laws are sufficient and not enforced enough as is. The disregard for public safety by poachers is often caused by the limited access to good hunting land. People want to eat, they want to enjoy accessing resources but they make bad choices to do so and it's not limited to firearms. What if they hunt with dogs and a knife? Do they get their dogs and knife confiscated as well? I also feel that sometimes the gps can be incorrect for someone new to hunting an area and if they cross that line they could lose their rights and vehicle too. I have been hunting and had the gps not work properly but thankfully I am aware of my surroundings and trained in land navigation but not all are as aware and may have no bad intentions. What happens if a young legal hunter gets a deer and it runs into a field and just so happens to be a neighbors land with no fence present? Now they could lose their firearms, vehicles and what not just by simply filming them cross the dotted line. I DO think poachers should be held accountable and I feel it is more a lack of enforcement than a true issue that requires more laws. Illegal poaching is going on nightly on Maui and no officers are being called to address it unless reported. I heard of 2 poachers being arrested on Maui early this year and they were definitely criminals. They had an illegal gun in possession of a felon and were night hunting with lights without a DLNR night permit. They were arrested, the firearm was taken as it was illegal and consequences will not be hindered unless the courts drop the ball. My point is that this is already illegal and it's an enforcement issue, not about increasing the punishment.

I appreciate the idea but feel this bill has a lot of room for harm and won't prevent the intended action of poaching. please vote No on SB2128.

Mahalo,

Chase Cavitt

**SB-2128-SD-1**

Submitted on: 2/23/2026 6:22:04 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Stephen Yuen	Individual	Oppose	Written Testimony Only

Comments:

I am opposing this bill as it can punish folks who accidentally trespass on someone's land.

**SB-2128-SD-1**

Submitted on: 2/24/2026 11:46:49 AM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Eric Kaneshiro	Individual	Oppose	Written Testimony Only

Comments:

I support laws that penalize illegal hunting (poaching), whether it occurs on private or public land. Protecting property rights and ensuring ethical, lawful hunting practices are important and necessary.

However, I have serious concerns about the severity of penalties outlined in this bill as they relate to unintentional violations. In Hawaii, hunting areas often involve complex land ownership patterns, inconsistent signage, and terrain where GPS or mapping tools may not always be perfectly reliable. As a result, a hunter acting in good faith could inadvertently cross a boundary without intent to trespass.

Under this bill, such an honest mistake could result in mandatory forfeiture of significant personal property, including firearms and motor vehicles—potentially amounting to tens of thousands of dollars in losses. This level of penalty appears disproportionate for a first-time or unintentional offense.

I respectfully request that the bill be amended to better distinguish between intentional, unlawful conduct and inadvertent violations. Specifically:

- Focus enhanced penalties, including asset forfeiture, on repeat offenders
- Apply stricter consequences to clearly unlawful behavior such as night poaching or deliberate trespass
- Provide judicial discretion or safe harbor provisions for first-time, unintentional violations where there is no evidence of willful misconduct

Such amendments would preserve strong enforcement against true poaching while ensuring fairness for responsible hunters acting in good faith.

Thank you for your consideration.

**SB-2128-SD-1**

Submitted on: 2/24/2026 1:01:30 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Brian Ley	Individual	Oppose	Written Testimony Only

Comments:

Brian Ley county GMAC commishioner district 4, and I strongly oppose SB 2128. a lot of hunting areas are not properly marked.I've personnaly gone to the DLNR office to ask them how to find hunting areas, and even the DLNR office can't tell you where hunting lands begin and private property begins. The county won't do anything about squatters, that destroy property and cause thousands of dollars of damage are just run off if that even happens, but some one wandering over a poorly marked property boundry will lose their firearm. just write them a ticket. once again I strongly oppose SB 2128

**SB-2128-SD-1**

Submitted on: 2/24/2026 3:02:45 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Elijah Kim	Individual	Oppose	Written Testimony Only

Comments:

I opposed SB2128.

SB2128 'Provides that any firearm or motor vehicle possessed and used by a person who hunts on private land without the permission of the owner'. This means if you crossed an invisible line and did not notice, you can have the firearm you had with you taken away.

Furthermore, the option for a judge to issue a \$750 fine instead for a first offense is not good. Exercising our second amendment is also easy expensive enough as it is with the fees and repeat training requirements and renewals. Costs fall hardest on ohana, kapuna on fixed income, and working class people living paycheck to paycheck. Rights are not reserved for those who can afford them.

Stop making it difficult for citizens to exercise our Constitutional rights. Before you propose or support any gun control legislation, ask yourself this, "would I also impose this for the first amendment or any other bill of rights?" If the answer is no, then stop right there or oppose any bills that infringe upon our God-given rights. Rights that make us free and American.

**SB-2128-SD-1**

Submitted on: 2/24/2026 8:56:13 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support

2128 SB RELATING TO TRESPASS.

**SB-2128-SD-1**

Submitted on: 2/25/2026 2:25:45 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Oliver English	Individual	Support	Written Testimony Only

Comments:

keep penalty high for first offense other wise law will not be effective

**SB-2128-SD-1**

Submitted on: 2/25/2026 3:57:14 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Whitney Boteilho	Individual	Support	Written Testimony Only

Comments:

My name is Whitney Boteilho & I support SB2128 SD1.

**SB-2128-SD-1**

Submitted on: 2/25/2026 4:01:02 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
George Wood	Individual	Support	Written Testimony Only

Comments:

As a livestock producer who is concerned about my safety and the safety of other producers I support SB2128 as currently those that are trespassing have no concern about violating the law and do not take it seriously

Keoki Wood

**SB-2128-SD-1**

Submitted on: 2/25/2026 6:10:42 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jason Moniz	Individual	Support	Written Testimony Only

Comments:

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

SB2128 SD1 RELATING TO TRESPASS

Friday, February 27, 2026, 10:30 AM

Conference Room 016 & Videoconference

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee, My family and I are cattle ranchers and we supports SB2128 SD1 which provides that any firearm or motor vehicle possessed and used by a person who hunts on private land without the permission of the owner or occupier of the land shall be forfeited to the State in accordance with chapter 712A, HRS.

While we support SB2128 SD1 and recognize that the initial fine serves as a precursor to stricter penalties like firearm or vehicle forfeiture, we respectfully recommend raising the minimum fine that the judge may impose to a level that serves as a significant deterrent. Trespassing, theft and poaching occurs routinely on our ranches and farms. With nearly all these illegal activities the perpetrator typically possesses a firearm and can be a serious threat to our family members and employees. We have already tragically lost a fellow cattle producer, Cranston Duke Pia when an individual illegally hunting on his property shot and killed him. We need serious deterrents to prevent more tragedies like this from occurring.

We appreciate the Department of Law Enforcement and their efforts to address agricultural crimes, but ranchers will continue to be threatened by trespassers and poachers until there are

substantial consequences put into place. Forfeiture of firearms and vehicles used to hunt without permission is a substantial deterrent.

**SB-2128-SD-1**

Submitted on: 2/25/2026 7:59:13 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Aileen K . F. Yeh	Individual	Support	Written Testimony Only

Comments:

I am in support of this bill because people should not be trespassing, and often should not be in possession of firearms. It is a danger to property owners and others. They also may be on drugs. Maybe they should be tested when they are arrested.

**SB-2128-SD-1**

Submitted on: 2/26/2026 8:17:51 AM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jill J. Mattos	Individual	Support	Written Testimony Only

Comments:

Ranchers and Framers are always facing trespassers and poachers.

Dogs after baby calf's , after mother cows running them down till they can't run anymore.

employees in pastures working, gun shots being fired and not knowing where it's coming from.

hunters are in the pasture chasing pigs cattle get frightened, run over fences to get away from them.

these are all safety concerns.

Forfeiting vehicles and guns is away to stop these criminal activities to stop.

i highly support this bill

the penalty should be more then just 750.00,

the fencing and cattle is worth more then \$750.00

Thank you for allowing me

to send my testimony

**SB-2128-SD-1**

Submitted on: 2/26/2026 8:57:59 AM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gregory FRIEL	Individual	Support	Written Testimony Only

Comments:

Chair Rhodes, Vice Chair Gabbard and members of the committee,

My name is Gregory Friel, and I'm a cattle producer on Maui. I fully support this legislation SB2128\_SD1 as a deterrent to the constant poaching that occurs on this island. It is a common occurrence because of the present lack of consequences for these illegal hunters. For our safety please pass this legislation.

Mahalo.

Gregory Friel

**SB-2128-SD-1**

Submitted on: 2/26/2026 10:11:31 AM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Frances Kama-Silva	Individual	Support	Written Testimony Only

Comments:

In full support of this bill. We have leased pasture on Oahu with cattle that have cameras. Multiple people are seen with guns and hunting dogs accessing our pastures and water tanks, some even at night when hunting is illegal. We have the required signage posted all along our fenceline.

**LATE**

**SB-2128-SD-1**

Submitted on: 2/26/2026 10:46:40 AM

Testimony for JDC on 2/27/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
davin asato	Individual	Oppose	Written Testimony Only

Comments:

My name is Davin Asato and I am a resident of Kahului, Maui. I am writing to express my **opposition** to SB2128 SD1.

While I respect the rights of private landowners and agree that unauthorized hunting should be penalized, the penalties proposed in this bill are extreme and fundamentally disproportionate to the offense. I oppose this measure for the following reasons:

1. **Disproportionate Forfeiture:** Authorizing the State to seize and forfeit a person's motor vehicle—their primary means of transportation—for a trespassing violation is an excessive punishment. A vehicle is often a person's most valuable asset after their home. Losing it could lead to the loss of employment and financial ruin, which far outweighs the severity of a trespass.
2. **Lack of Intent Protections:** The bill does not adequately distinguish between a career poacher and a person who inadvertently crosses an unmarked boundary in a rural area. Without a clear requirement for "knowing" or "intentional" trespass on clearly marked land, law-abiding citizens risk losing their property over a simple navigation error.
3. **Impact on Families:** The forfeiture of a motor vehicle often punishes an entire family, not just the individual accused. In our island community, where public transit is limited in rural areas, this penalty creates an undue hardship that serves no corrective purpose.

I believe our current laws already provide adequate tools for landowners and law enforcement to address illegal hunting. Doubling down on permanent asset forfeiture is a step too far.

I respectfully request that the Committee **hold** this bill. Thank you for the opportunity to testify.

Mahalo,

Davin Asato

136 West Hawaii Street

Kahului HI 96732

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**LATE**

**SB-2128-SD-1**

Submitted on: 2/26/2026 1:07:48 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jerry Ilo	Individual	Oppose	Written Testimony Only

Comments:

Strongly Oppose. I understand the intent of the bill but it is not worded right. As a life long Hunter I absolutley abhor trespassing. However this bill fails to address many of the legitimate, law abiding Hunters concerns

**LATE**

**SB-2128-SD-1**

Submitted on: 2/27/2026 9:10:04 AM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Steven Onaka	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am was born and raised in Hawai'i but currently live in the mainland and have hunted all my life in the mainland and Hawai'i. The biggest difference between hunting in Hawai'i and the mainland is the manner of respect between the hunter and land owner and that's due to a lack of value in the opportunity to hunt. If you look at states like Wyoming or Colorado they are able to manage their natural resource to provide not just a quality opportunity to hunt but more importantly a safer one by implementing and enforcing more strict laws. In comparison to other states Hawaii is far behind in terms of laws like this one and has resulted in someone's life being lost due to a trespasser feeling entitled enough to not only illegally hunt but argue they were in the right to do so. Now there is much more issues then just this one to not only protect land owners but to prevent people from even feeling the need to trespass in order to hunt but this is an important step toward safety and creating value for the privilege of hunting and creating a mutual respect towards one another.

Mahalo