

SB-2128

Submitted on: 2/6/2026 3:29:59 PM

Testimony for WLA on 2/9/2026 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrew Namiki Roberts	Testifying for Hawaii Firearms Coalition	Oppose	Written Testimony Only

Comments:

**TESTIMONY IN OPPOSITION
S.B. 2128 – Relating to Trespass
Thirty-Third Legislature, 2026
State of Hawaii**

Aloha Chair, Vice Chair, and Members of the Committee,

Hawaii Firearms Coalition respectfully submits testimony **in opposition** to **S.B. 2128**.

This bill significantly expands penalties for alleged trespass while hunting by mandating the **forfeiture of firearms and motor vehicles**, even where no violent crime has occurred. While respect for private property is important and existing trespass laws should be enforced, this proposal introduces consequences that are **severe, disproportionate, and lacking basic protections for honest mistakes**.

Hawai‘i’s hunting environment presents unique challenges that this bill fails to acknowledge. Much of the land used for hunting **borders unfenced, unmarked, or poorly marked private property**. In many areas, there is no clear visual indication where public, leased, or permitted hunting land ends and private property begins. Under S.B. 2128, a hunter who makes a **good-faith mistake** could permanently lose a firearm or vehicle based solely on crossing an invisible boundary.

There is **no accident or error protection** in this measure. The bill does not distinguish between intentional trespass and inadvertent entry, nor does it require fencing, signage, or other notice. This effectively imposes strict liability with extreme penalties, even where a reasonable person could not determine property boundaries.

At a minimum, if the Legislature proceeds with this bill, it should be **amended to apply only to clearly fenced or conspicuously posted private property**. Without this safeguard, the bill invites arbitrary enforcement and punishes lawful conduct without fair warning.

Additionally, automatic forfeiture under chapter 712A is inappropriate in this context. Forfeiture statutes were intended to address serious criminal activity, not hunting boundary disputes. Firearms and vehicles are often essential personal property used for lawful sporting purposes,

employment, and family needs. Seizing them absent criminal intent or violence undermines fundamental principles of **proportionality and due process**.

Existing law already provides landowners with effective remedies, including civil action and complaint-based enforcement. The bill itself recognizes this by requiring a sworn complaint from the landowner or occupier. Expanding those remedies to include mandatory forfeiture is unnecessary and excessive.

Hawai‘i can protect private property rights **without criminalizing honest mistakes or stripping citizens of essential property**. As written, S.B. 2128 fails to strike that balance.

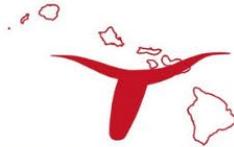
For these reasons, Hawaii Firearms Coalition respectfully urges the committee to **defer or substantially amend** this measure.

Mahalo for the opportunity to submit testimony.

Respectfully submitted,

Hawaii Firearms Coalition

Advocating for civil liberties, due process, and responsible firearm ownership in Hawai‘i



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON WATER, LAND, CULTURE AND THE ARTS
Senator Chris Lee, Chair
Senator Lorraine R. Inouye, Vice Chair

SB2128
RELATING TO TRESPASS

Monday, February 9, 2026, 1:00 PM
Conference Room 224 & Videoconference

Chair Lee, Vice Chair Inouye, and Members of the Committee,

The Hawaii Cattlemen's Council **supports SB2128** 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.

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





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February 9, 2026

HEARING BEFORE THE
SENATE COMMITTEE ON WATER, LAND, CULTURE AND THE ARTS

TESTIMONY ON SB 2128
RELATING TO TRESPASS

Conference Room 224 & Videoconference
1:00 PM

Aloha Chair Lee, Vice-Chair Inouye, 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, 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.

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 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.

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 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 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.

LATE

SB-2128

Submitted on: 2/13/2026 7:18:10 AM

Testimony for WLA on 2/13/2026 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Lani Petrie	Testifying for Kapapala Ranch	Support	Written Testimony Only

Comments:

I strongly support SB2128 since the current penalties for illegal hunting do not deter repeat offenders.

SB-2128

Submitted on: 2/6/2026 3:36:33 PM

Testimony for WLA on 2/9/2026 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael I Rice	Individual	Comments	Written Testimony Only

Comments:

I have some mild concerns about this bill. While I believe Poachers should be punished to the fullest extent of the law, I have some concerns about hunters being penalized for simple 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.

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Submitted on: 2/7/2026 6:46:35 AM

Testimony for WLA on 2/9/2026 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Steve Robertson	Individual	Support	Written Testimony Only

Comments:

Support.

My Neighborhood in Kula is like a war zone at night. My neighbors house has been shot a couple times, with one bullet lodging in her mattress. Need to have very strong penalties since poachers know the likelihood of being caught is very low.

The Bounty on deer tails has added a financial incentive for poaching. Need to stop the bounty on a public resource, paying rich landowners like Larry Ellison to indiscriminately kill deer with little harvest of any meat for the community

SB-2128

Submitted on: 2/7/2026 7:28:35 AM

Testimony for WLA on 2/9/2026 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
jason moore	Individual	Comments	Written Testimony Only

Comments:

Aloha All,

I am suggesting that SB2128 be clarified to reflect the hierarchy of approval.

Owner has the first level of approval... example

just because an orchard farmer (leasing the land) allows hunting within it's pastures doesn't mean it's okay without the land owners approval first.

I understand the intent, but it needs to go one step of approval further.

This also applies to prosecution and the sworn complaint.

Thank you for your service

SB-2128

Submitted on: 2/7/2026 2:25:50 PM

Testimony for WLA on 2/9/2026 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Richard Furst	Individual	Support	Written Testimony Only

Comments:

My name is Richard Furst and I am a resident of Oahu and an avid hunter and angler. I am writing today to express my support for SB2128, with some reservations. I believe that the concept of the bill is good because trespassing on private lands while hunting, i.e., poaching, can be a significant problem for private land owners and for hunters and other people legally accessing those lands. However, I think that some of the penalties proposed by the current bill (specifically, seizure of vehicle) may be somewhat excessive.

In my experience, poaching is sometimes done by people who are economically disadvantaged and who are hunting to provide meat that their families need to survive. The loss of a vehicle for someone in this position could be devastating and push them to even more desperate measures. While seizure of firearms or hunting equipment seems more reasonable and appropriate, I think that seizure of a vehicle should only be reserved for the most serious offenders, such as those who are repeat offenders or who are obviously only hunting for trophies (i.e., evidenced by wanton waste). While these decisions would be made by wildlife law enforcement officers and judges based on the particulars of each case, it would be good to include some guidance within the bill itself to help steer those individuals in their enforcement activities.

Mahalo for the opportunity to provide feedback on this important bill.

Aloha,

Richard Furst

February 07, 2026

Aloha Chair and Members of the Board,

My name is Nancy Valdez, I support SB2128 because it strengthens protections for private landowners.

Allowing the state to forfeit firearms or vehicles used by someone who hunts on private property without permission sends a clear message that trespassing and illegal hunting are serious offenses. This can help deter unsafe or unlawful behavior, protect landowners, and support public safety.

Mahalo for your consideration.

Nancy Valdez
Concerned Resident

SB-2128

Submitted on: 2/8/2026 9:48:45 AM

Testimony for WLA on 2/13/2026 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Chase Cavitt	Individual	Oppose	Written Testimony Only

Comments:

Aloha, I am writing in opposition of this bill as written. I believe those drafting have good intentions to dissuade poaching with occurs far too much in our islands. This disregard for public safety 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. I also fee 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. 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. 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. I heard of 2 poachers being arrested on Maui this past month 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.

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

Submitted on: 2/8/2026 1:06:01 PM

Testimony for WLA on 2/13/2026 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Jimmy Gomes	Individual	Support	Written Testimony Only

Comments:

I am in total support og this bill and stand behind Hawaii cattlemens Council.

SB-2128

Submitted on: 2/8/2026 4:16:53 PM

Testimony for WLA on 2/13/2026 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Randy Cabral	Individual	Support	Written Testimony Only

Comments:

Support

SB-2128

Submitted on: 2/10/2026 6:26:30 PM

Testimony for WLA on 2/13/2026 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Cliff mello	Individual	Oppose	Written Testimony Only

Comments:

Chair, Vice Chair, and Members of the Committee:

I submit this testimony in strong opposition to SB2128. While protection of private property rights is important, this bill imposes **mandatory forfeiture of firearms and motor vehicles** in a manner that raises serious constitutional and proportionality concerns.

SB2128 requires that any firearm or motor vehicle possessed and used in hunting on private land without permission be forfeited to the State under Chapter 712A.

SB2128_

This represents a significant escalation from penalizing unlawful hunting conduct to seizing high-value personal property.

Civil forfeiture laws are subject to constitutional limitations. The Eighth Amendment to the United States Constitution prohibits excessive fines. In *Timbs v. Indiana*, the U.S. Supreme Court held that civil forfeiture is subject to the Excessive Fines Clause and cannot be grossly disproportionate to the offense.

Under SB2128, a person who hunts without proper permission — even in the absence of violence, damage, or malicious intent — could lose a vehicle or firearm worth tens of thousands of dollars. **This creates a serious risk of disproportionate punishment in violation of constitutional protections.**

The Due Process Clauses of the Fifth and Fourteenth Amendments also require that property not be taken without fair procedures and a meaningful opportunity to be heard. Chapter 712A forfeiture proceedings shift burdens onto property owners and can create practical barriers to recovery of seized property. When forfeiture becomes mandatory rather than discretionary, the risk of constitutional violation increases.

This bill also implicates Second Amendment protections. In *District of Columbia v. Heller* and *New York State Rifle & Pistol Association v. Bruen*, the Supreme Court made clear that firearm regulations must be consistent with historical tradition. **Historically, trespass and unlawful hunting offenses were punished through fines or criminal penalties — not automatic confiscation of constitutionally protected arms absent violent misuse.**

SB2128 also authorizes forfeiture of motor vehicles. Vehicles are often essential for employment, family transportation, and daily life. Automatic forfeiture for a hunting-related trespass offense risks inflicting collateral consequences far beyond the nature of the violation.

There is no evidence presented that mandatory forfeiture will deter unlawful hunting more effectively than existing criminal penalties. Research consistently shows that certainty of enforcement — not severity of punishment — drives compliance. **Escalating penalties without evidence of effectiveness does not enhance public safety.**

Property rights, proportional punishment, and constitutional safeguards are foundational legal principles. SB2128 expands forfeiture authority in a way that risks excessive punishment and invites legal challenge.

For these reasons, I respectfully urge the Committee to oppose SB2128.

Mahalo for the opportunity to submit testimony.

SB-2128

Submitted on: 2/11/2026 3:34:44 PM

Testimony for WLA on 2/13/2026 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Jay Franzone	Individual	Support	In Person

Comments:

Aloha, Chair - Members of the Committee -- SB2128 is about something simple: respect.

If land doesn't belong to you, you shouldn't hunt on it without permission. Most people understand that. Most hunters follow the rules. This bill just makes clear that when someone chooses to ignore those rules, there are real consequences.

For families who live on rural land, for ranchers, and so many on neighbor islands, this isn't an abstract issue. Property rights matter, and so does basic courtesy. This measure reinforces that respect for private land and for one another is not optional.

Mahalo for your time.