



# University of Hawaii at Manoa

## Environmental Center

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### SB 1567 RELATING TO HUNTING AND GAME MANAGEMENT

Senate Committee on  
Tourism, Recreation and Transportation

Public Hearing - February 10, 1993  
10:00 A.M., Room 405 SOT

By

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M. Casey Jarman, Richardson School of Law  
Cliff Smith, Cooperative Parks Unit

SB 1567 would amend Chapter 183D, HRS, to provide that intentional interference with legal hunting or game management activity would constitute a misdemeanor, and the bill would allow recovery of civil damages and issuance of a restraining order. The proposed sanctions would not apply to incidental interference due to lawful activities, including ranching, mining, and recreation.

Our statement on this bill does not constitute an institutional position of the University of Hawaii.

Superficially, this measure seems innocuous enough. However, we are left wondering to whom the legislative intent is directed and why such a measure might be needed. We surmise that the hunting community is concerned by conscientious protesters following the example of incidents which have occurred on the mainland. We are also aware that wildlife managers intent on protecting native habitat have had their snaring practices criticized by individuals and organizations with ethical objections to such practices. In either case, if the interference is motivated by personal conscience, the effect of this legislation will not be to prevent such interference, but rather to promote civil disobedience. As such, we suggest that the problem is merely worsened, not solved, by attempting to impose a legislative solution.

Pragmatically, implementation of this measure would be nearly impossible. There is no definition of "interference", and any such behavior is bound to be subjectively construed. Furthermore, although the right of a lawful hunter or game manager is cited,

what of the Constitutional rights of freedom of expression? From a civil liberties perspective, the conveyance to the state of access to civil damages or a restraining order on the basis of a "potential violation", particularly under such loosely construed definitions, appears overly broad.

Regardless of whether interference is directed against hunters or game managers, people motivated by their beliefs will not be deterred by a legal constraint that only serves to further polarize the opposing views. What is needed is dialog, discussion, mediation, and exchange of information. If there are valid reasons for game management activities to be conducted in a certain way, then raising the level of discussion is a logical first step to defusing a confrontation. Conversely, if there are alternate, more appropriate methods of feral animal population control which are feasible and reasonable, we can't imagine that rational wildlife managers wouldn't want to know about them. The last thing we need to do is to create unnecessary criminals.