



**THE HUMANE SOCIETY
OF THE UNITED STATES**

March 19, 2015, 2pm

To: Honorable Chair Rhoads, Vice-Chair San Buenaventura and Judiciary Committee Members

From: Inga Gibson, Hawaii State Director, The Humane Society of the United States-Humane Society International, PO Box 89131, Honolulu, HI 96830, igibson@humanesociety.org

RE: SUPPORT with Amendments, HCR155/HR93; Relating to a Judicial Committee Review of the Penal Code

Psychologists and Criminologists have long recognized the connection between animal cruelty and human violence. Research demonstrates that those who abuse animals, including juvenile offenders, are more likely to escalate to crimes against people. For this reason a review of our penal code, specifically focused on deterring, treating, sentencing and holding animal abusers appropriately accountable, is in order.

Furthermore, every year more than a dozen animal protection bills are introduced with many being deferred, missing deadlines or not being scheduled for hearings (HB 773/SB793, HB1012, HB1339, SB590, HB702 among others). Annually, our organization issues a state ranking comparison of national animal protection laws based on a comprehensive analysis of more than 80 criteria related to marine and terrestrial wildlife, companion animals, farm animals and animals used for fighting, entertainment and in research. Despite our passing a number of important animal cruelty related bills in the past 7 years, [Hawaii ranks 29th](#) in the nation with some of the weakest laws, penalties and provisions, including significant loopholes that make enforcement of such laws even more challenging for local animal control and law enforcement agencies.

We would greatly appreciate the Committees consideration of an amendment to add a representative from The Humane Society of the United States and/or an animal welfare/protection organization participant, so a review of the animal cruelty penal code may also be included. This would help to better focus and prioritize legislation to address exactly where our cruelty code needs strengthening.

A review of Hawaii's animal cruelty penal code is also quite timely and relevant given the FBI just added animal cruelty crime reporting to its National Incident-Based Reporting System. See below for more information:

<http://www.fbi.gov/news/podcasts/thisweek/animal-cruelty-category-added-to-nibrs.mp3/view>
<http://blog.humanesociety.org/wayne/2014/09/animal-cruelty-uniform-crime-report.html>

Thank you for your consideration of an amendment to HCR155/HR93 to include a review of the penal code relating to animal cruelty (Chapter 711 and other relevant statutes).

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The Judiciary, State of Hawai'i

Testimony to the House Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Joy A. San Buenaventura, Vice Chair

Friday, March 20, 2015, 2:00 PM
State Capitol, Conference Room

By

Rodney A. Maile
Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Resolution No. and Title: House Concurrent Resolution No. 155 and House Resolution No. 93 Requesting the Judicial Council to Appoint a Committee to Review and Recommend Revisions to the Hawai'i Penal Code.

Judiciary's Position:

The judiciary takes no position on the merits of these resolutions and respectfully offers the following comments.

Roughly every decade since 1983, the legislature has convened a committee, consisting of members from the judiciary, the department of the attorney general, the department of public safety, the Hawaii paroling authority, the office of the public defender, the county prosecutors' offices and police departments, victim advocacy groups, and interested attorneys and private citizens, to conduct a comprehensive review of the Hawaii penal code. The last of these committees was created in 2005 by Act 125, which included a \$75,000 appropriation to cover the costs of the review.

This session, while there is no bill calling for a comprehensive review of the penal code, the judiciary is aware of 11 resolutions and concurrent resolutions, each providing for a review concerning specified sentencing provisions within the code. The measures before you, HCR No. 155 and HR No. 93, request that the judicial council establish a committee whose review "will help ensure that sentences are fair and proportionate to the crime committed with particular attention paid to ... sections that base culpability on dollar amounts," including review of the



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American Law Institute Model Penal Code and assessing the principles of “Justice Reinvestment in Hawaii: Analyses & Policy Options.” Other resolutions and concurrent resolutions propose working groups convened by the legislature, the judiciary or the department of public safety to study, review, and make recommendations regarding the penal code or specific issues therein. Matters like these have effectively been incorporated into past ten-year comprehensive penal code reviews.

Given the broad, state-wide membership of the committees proposed by HCR No. 155/HR No. 93, it is perhaps more desirable, in terms of cost and efficiency, to have one committee do the work described in all resolutions on updating the penal code.

We would also point out that it has been about ten years since the last comprehensive penal code review and, if the legislature is contemplating another such review in the near future, the substance of other penal code review measures can expressly be made a part of it. This may be the most efficient and cost effective approach.

Lastly, the judiciary believes that an appropriation based on the scope of the review ultimately to be done will be necessary to cover its costs.

Thank you for the opportunity to testify on these measures.