STAND. COM. REP. NO. 3044

Honolulu, Hawaii

MAR 23 2006

RE: H.B. No. 2896

Honorable Robert Bunda President of the Senate Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred H.B. No. 2896 entitled:

"A BILL FOR AN ACT RELATING TO EMOTIONAL DISTRESS,"

begs leave to report as follows:

The purpose of this measure is to clarify that liability for negligent infliction of emotional distress or disturbance will not arise from damage to real property or inanimate material objects.

Your Committee received testimony in support of this measure from the Hawaiian Humane Society and five individuals.

Your Committee finds that under the current law, pets are considered property and that no remedy exists to compensate pet owners emotional distress suffered as a result of any injury or death of their pet due to the negligence of others. Similarly, the current law provides no deterrent for negligent behavior towards people's pets. Given that, in Hawaii, more than fifty-six percent of households have pets, this is a significant issue. This measure will clarify that the exclusion of property damage as the basis for an emotional distress claim only applies to real property and inanimate material objects, thus permitting this action for harm to pets.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2896, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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Respectfully submitted on behalf of the members of the Committee on Judiciary and Hawaiian Affairs,

COLLEEN HANABUSA, Chair

## The Senate Twenty-Third Legislature State of Hawaii

## Record of Votes of the Committee on Judiciary and Hawaiian Affairs (Bills and Resolutions)

Measure:*	Committee Refe	erral:	Date:	1 - 1 ,		
нв 2896	JHW 3/17/06					
The committee is reconsidering its previous decision on this measure.  If so, then the previous decision was to:						
The Recommendation is to:						
Pass, unamended Pass, with amendments Hold Recommit (2312) (2311) (2310) (2313)						
Members		Ayes	Ayes(WR)	Nays	Excused	
HANABUSA, Colleen (C)						
HEE, Clayton (VC)						
CHUN OAKLAND, Suzanne						
ENGLISH, J. Kalani						
IHARA, Jr., Les						
WHALEN, Paul						
			A STATE OF THE STA			
TOTAL		6	0	0	0	
Recommendation:  Adopted  Not Adopted						
Chair's or Designee's Signature:						
Distribution:OriginalVYellowPinkGoldenrodFile with Committee ReportClerk's OfficeDrafting AgencyCommittee File Copy						

<sup>\*</sup>Do <u>not</u> list more than one measure per Record of Votes.