
A BILL FOR AN ACT

RELATING TO ANIMAL CRUELTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that violence, whether
2 against humans or animals, must not be tolerated in our
3 community. Evidence continues to mount regarding the link
4 between abusing animals and committing violent acts against
5 humans. Every community should address the roots of this issue
6 by addressing the mistreatment and flawed attitudes regarding
7 animal abuse. By ridding our community of animal abuse we will
8 also help alleviate acts of violence against people. Mahatma
9 Gandhi said, "The greatness of a nation and its moral progress
10 can be judged by the way animals are treated."

11 Hawaii can take another step closer to being safe and
12 secure by making a clear statement of how our community will
13 seriously punish those who commit acts of violence against
14 animals. Revising Hawaii's animal cruelty laws will help
15 protect animals and make a clear statement that our community
16 will not tolerate violence of any kind.



1 SECTION 2. Chapter 711, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§711-A Aggravated cruelty to animals. (1) A person
5 commits the offense of aggravated cruelty to animals if the
6 person:

7 (a) Intentionally or knowingly overdrives, overloads,
8 tortures, torments, beats, or starves any animal, or
9 causes or procures the overdriving, overloading,
10 torture, torment, cruel beating, or starving of any
11 animal;

12 (b) Intentionally or knowingly mutilates, poisons, in any
13 manner causes or allows serious bodily injury, or
14 kills without need any animal other than insects,
15 vermin, or other pests;

16 (c) Intentionally or knowingly encourages, aids, or
17 assists another in the commission of any act of
18 cruelty to any animal;

19 (d) Intentionally or knowingly deprives a pet animal of
20 necessary sustenance;

21 (e) Kills or injures an animal with intent to frighten or
22 intimidate, or in reckless disregard of the risk of



1 frightening or intimidating, another person or
2 intentionally forces another person to injure or kill
3 an animal; or

4 (f) Commits an offense under section 711-1109, 711-1109.3,
5 or this section against animals when having been
6 previously convicted under section 711-1109, 711-
7 1109.3, or this section. As used in this paragraph,
8 "previously convicted" means a sentence imposed at the
9 same time or a sentence previously imposed that has
10 not been set aside, reversed, or vacated at the time
11 of the offense.

12 (2) Aggravated cruelty to animals is a class C felony and
13 subject to section 711-B.

14 (3) Subsection (1)(a), (b), and (d), and subsection (4) do
15 not apply to accepted veterinary practices and to activities
16 carried on for scientific research governed by standards of
17 accepted educational or medicinal practices.

18 (4) Whenever any animal is so severely injured that there
19 is no reasonable probability that its life or usefulness can be
20 saved, the animal may be immediately euthanized without creating
21 any liability under this section.



1 (5) If there is any conflict between this section and
2 section 711-1109 or any other provision of law, this section
3 shall control.

4 (6) For purposes of this section, "animal" includes every
5 living creature, except a human being and avian and fish
6 species.

7 **§711-B Penalty.** In addition to any other sentence the
8 court may impose, the court shall order any person convicted of
9 violating section 711-1109, 711-1109.3, or 711-A to pay for and
10 successfully complete counseling, as determined by the court,
11 that is designed to evaluate and treat behavior or conduct
12 disorders. Any counseling imposed under this section shall be
13 in addition to any other terms and conditions under chapter
14 706."

15 SECTION 3. Section 571-14, Hawaii Revised Statutes, is
16 amended by amending subsection (c) to read as follows:

17 "(c) The court shall have concurrent jurisdiction with the
18 circuit court over violations of [~~section 711-1106.4.~~] sections
19 711-1106.4 and 711-A(g)."

20 SECTION 4. Section 603-21.5, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:



1 "(b) The several circuit courts shall have concurrent
2 jurisdiction with the family court over:

3 (1) Any felony under section 571-14, violation of an order
4 issued pursuant to chapter 586, or a violation of
5 section 709-906 when multiple offenses are charged
6 through complaint or indictment and at least one other
7 offense is a criminal offense under subsection (a)(1);

8 (2) Any felony under section 571-14 when multiple offenses
9 are charged through complaint or indictment and at
10 least one other offense is a violation of an order
11 issued pursuant to chapter 586, a violation of section
12 709-906, or a misdemeanor under the jurisdiction of
13 section 604-8;

14 (3) Any violation of [~~section 711-1106.4;~~] sections
15 711-1106.4 and 711-A(g); and

16 (4) Guardianships and related proceedings concerning
17 incapacitated adults pursuant to article V of chapter
18 560."

19 SECTION 5. Section 711-1100, Hawaii Revised Statutes, is
20 amended by amending the definition of "necessary sustenance" to
21 read as follows:



1 ""Necessary sustenance" means care sufficient to preserve
 2 the health and well-being of a pet animal, except for
 3 emergencies or circumstances beyond the reasonable control of
 4 the owner or caretaker of the pet animal, and includes but is
 5 not limited to the following requirements:

6 (1) Food of sufficient quantity and quality to allow for
 7 normal growth or maintenance of body weight;

8 (2) Open or adequate access to water in sufficient
 9 quantity and quality to satisfy the animal's needs;

10 (3) Access to protection from wind, rain, or sun; [~~and~~]

11 (4) An area of confinement that has adequate space
 12 necessary for the health of the animal and is kept
 13 reasonably clean and free from excess waste or other
 14 contaminants that could affect the animal's health[~~-~~];

15 and

16 (5) Veterinary care sufficient to prevent or alleviate
 17 suffering due to an injury or illness."

18 SECTION 6. Section 711-1109, Hawaii Revised Statutes, is
 19 amended to read as follows:

20 "**§711-1109 Cruelty to animals.** (1) [A] Except as
 21 provided in sections 711-A and 711-1109.3, a person commits the



1 offense of cruelty to animals if the person [~~intentionally,~~
2 ~~knowingly, or~~] recklessly:

3 (a) Overdrives, overloads, tortures, torments, [~~eruelly~~]
4 beats or starves any animal, or causes or procures the
5 overdriving, overloading, torture, torment, [~~eruel~~]
6 beating or starving of any animal [~~, or deprives a pet~~
7 ~~animal of necessary sustenance or causes such~~
8 ~~deprivation~~];

9 (b) Mutilates, poisons, in any manner causes serious
10 bodily injury, or kills without need any animal other
11 than insects, vermin, or other pests;

12 (c) Keeps, uses, or in any way is connected with or
13 interested in the management of, or receives money for
14 the admission of any person to, any place kept or used
15 for the purpose of fighting or baiting any bull, bear,
16 [~~dog~~] cock, or other animal, and every person who
17 encourages, aids, or assists therein, or who permits
18 or suffers any place to be so kept or used;

19 (d) Carries or causes to be carried, in or upon any
20 vehicle or other conveyance, any animal in a cruel or
21 inhumane manner; or



1 (e) Assists another in the commission of any act of
2 cruelty to any animal.

3 (2) Subsection (1)(a), (b), (d), (e) and [~~the following~~]
4 subsection (3) are not applicable to accepted veterinary
5 practices and to activities carried on for scientific research
6 governed by standards of accepted educational or medicinal
7 practices.

8 (3) Whenever any domestic animal is so severely injured
9 that there is no reasonable probability that its life or
10 usefulness can be saved, the animal may be immediately
11 [~~destroyed.~~] euthanized without creating any liability under
12 this section.

13 (4) Cruelty to animals is a misdemeanor[~~-~~] and a person
14 who violates this section shall be subject to section 711-B."

15 SECTION 7. Section 711-1109.3, Hawaii Revised Statutes, is
16 amended to read as follows:

17 1. By amending subsection (1) to read:

18 "(1) A person commits the offense of cruelty to animals if
19 the person:

20 (a) Owns or trains any dog with the intent that [~~such~~] the
21 dog shall be engaged in an exhibition of fighting with
22 another dog;



1 (b) [~~For amusement or gain, intentionally~~] Intentionally
2 causes any dog to fight with another dog[~~7~~] or causes
3 any dog to injure another dog; or

4 (c) Knowingly or recklessly permits any act in violation
5 of paragraph (a) or (b) to be done on [~~the~~] premises
6 that are under the person's charge or control, or aids
7 or abets any such act."

8 2. By amending subsections (3) and (4) to read:

9 "(3) Violation of this section shall be a class C
10 felony[~~7~~] and a person who violates this section shall be
11 subject to section 711-B.

12 (4) If there is any conflict between this section and
13 section 711-1109, [~~or any other provision of law,~~] this section
14 shall apply."

15 SECTION 8. In codifying the new sections added by section
16 2 of this Act, the revisor of statutes shall substitute
17 appropriate section numbers for the letters used in designating
18 the new sections in this Act.

19 SECTION 9. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



1 SECTION 10. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 11. This Act shall take effect upon its approval.
4

INTRODUCED BY:

Guthrie Threlkeld

Maui B. Lee

JAN 24 2007



Report Title:

Crimes; Animal Cruelty; Nuisance

Description:

Establishes class C felony offense for aggravated cruelty to animals. Requires a person convicted of these offenses to undergo counseling. Makes places used to commit cruelty to animal offenses subject to nuisance abatement law.

