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# A BILL FOR AN ACT

RELATING TO ANIMALS.

**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. The legislature further finds that evidence suggests  
4 that there is a link between animal abuse and the commission of  
5 violent acts against humans, including domestic violence, child  
6 abuse, and elder abuse. Mahatma Gandhi once said, "the  
7 greatness of a nation and its moral progress can be judged by  
8 the way animals are treated." To properly address the growing  
9 problem of violence in our society, we must first examine our  
10 attitudes regarding the mistreatment of animals. By eliminating  
11 from our community the crime of animal abuse, we will not only  
12 provide a safe environment for pet animals, but also help to  
13 eliminate acts of violence against people. The legislature  
14 believes that, by establishing that our community will not  
15 tolerate those who commit acts of violence against animals,  
16 Hawaii will become a safer and more secure place for animals and  
17 humans alike.



1 The purpose of this Act is to strengthen Hawaii's animal  
2 cruelty laws.

3 SECTION 2. Chapter 711, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 "§711-A Penalty. In addition to any other penalty the  
7 court imposes pursuant to chapter 706, any person convicted of  
8 violating section 711-1109(1)(a), (b), (d) to (h), or 711-1109.3  
9 shall be ordered to attend counseling that is designed to  
10 evaluate and treat behavior or conduct disorders and shall be  
11 responsible for payment for counseling imposed under this  
12 section."

13 SECTION 3. Section 161-3, Hawaii Revised Statutes, is  
14 amended by amending the definition of "poultry" to read as  
15 follows:

16 "Poultry" means [~~any domesticated bird, whether live or~~  
17 ~~dead.~~] any domesticated bird belonging to the orders galiformes  
18 and anseriformes, and including chicken, duck, goose, and  
19 turkey."

20 SECTION 4. Section 711-1100, Hawaii Revised Statutes, is  
21 amended by amending the definition of "pet animal" to read as  
22 follows:



1        "Pet animal" means a [~~dog, cat, rabbit, guinea pig,~~  
2 ~~domestic rat or mouse, or caged birds (passeriformes,~~  
3 ~~piciformes, and psittaciformes only).~~] domesticated animal kept  
4 for personal enjoyment and companionship, such as for a hobby,  
5 for legal sporting activities, for guarding property, and for  
6 guide, signal or service purposes. Poultry as defined by  
7 section 161-3 shall not be considered a pet animal. Game fish  
8 and other aquatic life not in a state of captivity shall not be  
9 considered pet animals."

10        SECTION 5. Section 711-1109, Hawaii Revised Statutes, is  
11 amended to read as follows:

12        "**§711-1109 Cruelty to animals.** (1) A person commits the  
13 offense of cruelty to animals if the person intentionally,  
14 knowingly, and recklessly:

15        (a) Overdrives, overloads, tortures, torments, [~~eruelly~~]  
16        beats, or starves any animal, or causes or procures  
17        the overdriving, overloading, torture, torment,  
18        [~~eruel~~] beating, or starving of any animal [~~, or~~  
19        ~~deprives a pet animal of necessary sustenance or~~  
20        ~~causes such deprivation~~];



- 1 (b) Mutilates, poisons, causes or allows serious bodily  
2 injury, or kills without need, any animal other than  
3 insects, vermin, or other pests;
- 4 (c) Keeps, uses, or in any way is connected with or  
5 interested in the management of, or receives money for  
6 the admission of any person to, any place kept or used  
7 for the purpose of fighting or baiting any bull, bear,  
8 [~~dog,~~] cock, or other animal, and every person who  
9 encourages, aids, or assists therein, or who permits  
10 or suffers any place to be so kept or used;
- 11 (d) Carries or causes to be carried, in or upon any  
12 vehicle or other conveyance, any animal in a cruel or  
13 inhumane manner; [~~or~~]
- 14 (e) Assists another in the commission of any act of  
15 cruelty to any animal[~~or~~];
- 16 (f) Deprives a pet animal of necessary sustenance;
- 17 (g) Forces another person to injure or kill a pet animal;  
18 or
- 19 (h) Recklessly kills or injures a pet animal with the  
20 intent to frighten or intimidate another person, or in  
21 reckless disregard of the risk of frightening or  
22 intimidating another person.



1           (2) Subsection (1)(a), (b), (d), (e), [~~and the following~~  
2 ~~subsection (3) are~~] and (g) shall not [applicable] apply to  
3 [accepted]:

4           (a) Accepted veterinary practices [~~and to activities~~];

5           (b) Activities carried on for scientific research governed  
6 by standards of accepted educational or medicinal  
7 practices[-]; or

8           (c) Pest control operations conducted pursuant to chapter  
9 149A by a pest control operator licensed pursuant to  
10 chapter 460J, if the pest control is performed under a  
11 written contract.

12           (3) Whenever any domestic animal is so severely injured  
13 that there is no reasonable probability that its life or  
14 usefulness can be saved, the animal may be immediately  
15 [~~destroyed.~~] ethanized without creating any liability under  
16 this section.

17           (4) Cruelty to animals is a misdemeanor. Any person  
18 convicted of committing the offense of cruelty to animals shall  
19 be subject to section 711-A."

20           SECTION 6. Section 711-1109.3, Hawaii Revised Statutes, is  
21 amended to read as follows:



- 1           "**§711-1109.3 Cruelty to animals; fighting dogs.** (1) A  
2 person commits the offense of cruelty to animals if the person:
- 3           (a) Owns or trains any dog with the intent that [~~such~~] the  
4 dog shall be engaged in an exhibition of fighting with  
5 another dog;
- 6           (b) [~~For amusement or gain, intentionally~~] Intentionally  
7 causes any dog to fight with another dog, or causes  
8 any dog to injure another dog; or
- 9           (c) Knowingly or recklessly permits any act in violation  
10 of paragraph (a) or (b) to be done on [~~the~~] premises  
11 that are under the person's charge or control, or aids  
12 or abets any such act.
- 13           (2) Nothing in this section shall prohibit any of the  
14 following:
- 15           (a) The use of dogs in the management of livestock by the  
16 owner of the livestock or the owner's employees or  
17 agents or other persons in lawful custody thereof;
- 18           (b) The use of dogs in hunting wildlife including game; or
- 19           (c) The training of dogs or the use of equipment in the  
20 training of dogs for any purpose not prohibited by  
21 law.



1 (3) Violation of this section shall be a class C felony.  
2 Any person convicted of violating this section shall be subject  
3 to section 711-A.

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

7 SECTION 7. In codifying the new section added by section 2  
8 of this Act, the revisor of statutes shall substitute an  
9 appropriate section number for the letter used in designating  
10 the new section in this Act.

11 SECTION 8. This Act does not affect rights and duties that  
12 matured, penalties that were incurred, and proceedings that were  
13 begun, before its effective date.

14 SECTION 9. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 10. This Act shall take effect on January 1, 2112.



**Report Title:**

Cruelty to Animals

**Description:**

Revises the misdemeanor offense of cruelty to animals. Provides penalties. Redefines "pet animal." (HB676 HD1)

