

MAR 18 2009

## SENATE CONCURRENT RESOLUTION

REQUESTING THE GOVERNOR TO ESTABLISH A TASK FORCE ON HUMANE  
RESTRAINT AND CONFINEMENT OF PET ANIMALS.

1 WHEREAS, the humane treatment of animals is a reflection of  
2 society; and  
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4 WHEREAS, during each legislative session, citizens come  
5 forward to seek the introduction of legislation prohibiting acts  
6 of cruelty and neglect toward animals to address situations that  
7 have arisen in their communities; and  
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9 WHEREAS, the Supplemental Commentary on sections 711-1109  
10 to 711-1110, Hawaii Revised Statutes, provides, in part:  
11

12 "Act 173, Session Laws 1998, amended §711-1109 to  
13 provide that depriving pet animals of necessary sustenance  
14 constitutes the crime of cruelty to animals. The  
15 legislature noted that the statute identified only those  
16 acts which were the most heinous and extreme, such as  
17 beating, mutilation, poisoning, starvation, and torture.  
18 However, on a daily basis, less overt acts such as daily  
19 neglect also resulted in the inhumane treatment of animals.  
20 Thus, the legislature agreed that pet animals deserved a  
21 minimum level of care including adequate food, water, and  
22 shelter. Senate Standing Committee Report No. 87."; and  
23

24 WHEREAS, a review of state laws on the treatment of these  
25 "less overt acts" of animal cruelty is timely and appropriate;  
26 and  
27

28 WHEREAS, the definition of "necessary sustenance" in  
29 section 711-1100, Hawaii Revised Statutes, while requiring  
30 adequate space and reasonable cleanliness for the animal's  
31 health, is silent on how long a pet animal may be confined in a  
32 cage, how the type of pet animal dictates what may be an  
33 acceptable manner and duration of confinement in a cage, or how



1 the duration of confinement affects the adequacy of space  
2 necessary for the health of the animal; and  
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4 WHEREAS, present law allows dogs to be tethered to a  
5 stationary object for twenty-four hours a day, seven days a  
6 week, as long as the tether is at least six feet long; and  
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8 WHEREAS, a tether can become tangled around a dog or hooked  
9 on the dog's shelter or other objects, further restricting the  
10 dog's movement and potentially causing injury; and  
11

12 WHEREAS, a number of measures introduced in the Regular  
13 Session of 2009 sought to create new misdemeanor offenses  
14 prohibiting various inhumane forms of restraint or confinement,  
15 including tethering, fastening, chaining, tying, kenneling, or  
16 caging; and  
17

18 WHEREAS, these measures include:  
19

- 20 (1) Senate Bill No. 1222, Relating to the Humane Treatment  
21 of Pet Animals, which proposed a new misdemeanor  
22 offense prohibiting confinement of a pet animal in a  
23 cage on public property for more than four hours, with  
24 some excepted circumstances, and decreased the  
25 specified number of dogs or cats deprived of necessary  
26 sustenance necessary to constitute the offense of  
27 animal hoarding;  
28
- 29 (2) Senate Bill No. 30, Relating to Animals, which  
30 proposed a new misdemeanor offense of dog tethering  
31 applicable to a person who tethers, fastens, chains,  
32 ties, or otherwise restrains a dog to a dog house,  
33 tree, fence, or other stationary object;  
34
- 35 (3) Senate Bill No. 488, Relating to Animal Cruelty, which  
36 proposed to add a new subsection to section 711-1109,  
37 Hawaii Revised Statutes, applicable to a person who  
38 tethers, fastens, chains, ties, or otherwise restrains  
39 a companion animal for longer than a reasonable period  
40 of time to complete a temporary task, or for any  
41 amount of time in which the tether, fastener, chain,  
42 tie, or other restraint causes actual harm, or in a  
43 manner that endangers the animal's health, safety, or



1 well-being or inflicts emotional distress upon the  
2 animal; and  
3

- 4 (4) Senate Bill No. 1188, Relating to Animals, which  
5 proposed to create three new subsections in section  
6 711-1109, Hawaii Revised Statutes, applicable to a  
7 person who: tethers, fastens, chains, ties, or  
8 otherwise restrains a dog or cat for an unreasonable  
9 period of time or in a manner that unreasonably limits  
10 movement; tethers, fastens, chains, ties, restrains,  
11 kennels, or cages a dog or cat in any manner that  
12 exposes the animal to unsafe conditions; or tethers,  
13 fastens, chains, ties, restrains, kennels or cages a  
14 dog or cat in any manner that causes exposure without  
15 shelter during periods of hazardous weather; and  
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17 WHEREAS, these measures demonstrate the need for  
18 comprehensive legislation regarding the restraint and  
19 confinement of pet animals that would not only meet the needs of  
20 the community but would consider the unique differences among  
21 the counties with regard to enforcement capabilities; now,  
22 therefore,  
23

24 BE IT RESOLVED by the Senate of the Twenty-fifth  
25 Legislature of the State of Hawaii, Regular Session of 2009, the  
26 House of Representatives concurring, that the Governor is  
27 requested to establish a Task Force on Humane Restraint and  
28 Confinement of Pet Animals, to examine the issues raised during  
29 the Regular Session of 2009 by Senate Bill No. 1222, S.D. 1,  
30 Senate Bill No. 30, S.D. 1, Senate Bill No. 488, and Senate Bill  
31 No. 1188; and  
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33 BE IT FURTHER RESOLVED that the membership of the task  
34 force would most appropriately include individuals recommended  
35 by the Chairpersons of the Senate Committee on Judiciary and  
36 Government Operations and the House Committee on Judiciary, as  
37 well as representatives of the following agencies and  
38 organizations, all of whom would be requested by the Governor to  
39 serve on the taskforce: prosecutor's office of each county;  
40 police department of each county; public defender's office;  
41 Hawaiian Humane Society; Hawaii Island Humane Society; Kauai  
42 Humane Society; Maui Humane Society; The Humane Society of the  
43 United States, Hawaii Chapter; and Animal Advocates, Inc.; and  
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1 BE IT FURTHER RESOLVED that the task force is requested to  
2 submit a report of its findings and recommendations to the  
3 Legislature no later than twenty days prior to the convening of  
4 the 2010 Regular Session; and

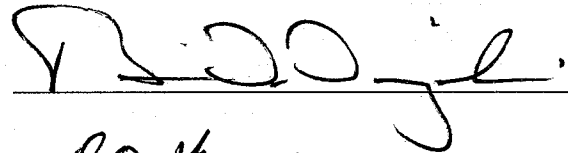
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6 BE IT FURTHER RESOLVED that the task force is requested to  
7 include in its report:

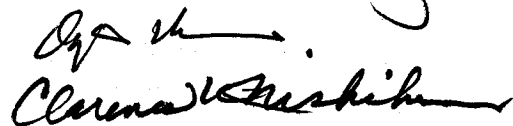
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9 (1) A recommendation for comprehensive legislation  
10 relating to restraint and confinement standards for  
11 pet animals;  
12  
13 (2) Issues with and solutions for the enforcement of the  
14 recommended legislation;  
15  
16 (3) Suggested amendments to the definition of "necessary  
17 sustenance" as it relates to "area of confinement" or  
18 any additional definitions, as appropriate, in section  
19 711-1100, Hawaii Revised Statutes; and  
20  
21 (4) Any dissenting opinions among task force members to  
22 the recommended legislation; and  
23

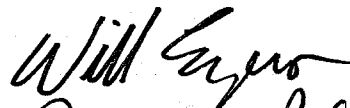
24 BE IT FURTHER RESOLVED that the Judiciary Center for  
25 Dispute Resolution is requested to provide administrative  
26 assistance to the task force; and  
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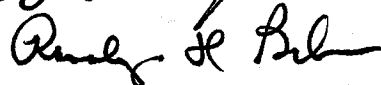
28 BE IT FURTHER RESOLVED that certified copies of this  
29 Concurrent Resolution be transmitted to the Governor; the  
30 Prosecutor of each county; the Chief of Police of each county;  
31 the Public Defender; the President of the following entities:  
32 Hawaiian Human Society; Hawaii Island Humane Society; Kauai  
33 Humane Society; and Maui Humane Society; and Animal Advocates,  
34 Inc.  
35  
36  
37

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