

STAND. COM. REP. NO.

1214

Honolulu, Hawaii

APR 09 2009

RE: H.B. No. 730
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred H.B. No. 730, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS,"

begs leave to report as follows:

The purpose of this measure is to enact new elements to the offense of cruelty to animals by fighting dogs.

This measure repeals current provisions and enacts new provisions to address enforcement problems posed by current law. This measure would:

- (1) Establish that the offense occurs for entertainment or financial gain;
- (2) Specify elements of the offense and provide for a misdemeanor penalty; and
- (3) Define "dogfight" and "device".

Your Committee finds that under current law, an offender would need to be literally caught in the act of conducting a dogfight in order to be convicted, which is extremely rare due to the clandestine nature of the activity. Thus, even persons attending a dogfight as spectators face no penalties.



Your Committee further finds that the injuries inflicted and sustained by dogs participating in dogfights are severe and in many instances fatal.

Your Committee has amended this measure by:

- (1) Amending section 711-1109.3, Hawaii Revised Statutes, to provide for the offense of cruelty to animals by fighting dogs in the first degree;
- (2) Adding a new statutory section to provide for the offense of cruelty to animals by fighting dogs in the second degree to address dog fighting events;
- (3) Making conforming statutory amendments to sections 711-1109.1, 711-1109.2, and 711-1110.5, Hawaii Revised Statutes; and
- (4) Changing the effective date to upon approval.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 730, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 730, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,



BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:* HB 730, HD 1	Committee Referral: JGO	Date: 4/6/2009		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert	✓			
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	6	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: <div style="display: flex; justify-content: space-between; font-size: small;"> Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy </div>				

***Only one measure per Record of Votes**