STAND. COM. REP. NO. **591**

Honolulu, Hawaii

MAR 0 6 2009

RE: S.B. No. 763

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 S.B. No. 763 entitled:

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

begs leave to report as follows:

The purpose of this measure is to establish a criminal offense of dog fighting, a class C felony, applicable if a person causes, sponsors, arranges, holds, or encourages a fight between dogs for the purpose of financial gain or entertainment.

This measure also repeals the existing law on dogfighting.

Your Committee received several testimonies in support of this measure and one in opposition. Written testimony presented to the Committee may be reviewed on the Legislature's website.

According to testimony of The Humane Society of the United States, in a national ranking of dogfighting laws in the states and the District of Columbia, Hawaii ranked fiftieth in part because it is only one of two states having no penalties for attending or wagering on an organized dogfight.

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

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Your Committee further finds that the injuries inflicted and sustained by dogs participating in dogfights are severe and mortal in many instances, resulting from blood loss, shock, dehydration, exhaustion, or infection from wounds.

Your Committee has amended this measure by:

- (1) Deleting the new statutory enactment relating to the offense of dogfighting;
- (2) Defining "dogfight" as a gathering or exhibition for the purpose of having a fight between one dog and another dog, or having one dog injure another dog; and
- (3) Amending the current law on cruelty to animals by dogfighting to provide for cruelty to animals by fighting dogs. As amended, this measure prohibits a person from:
 - (A) Causing, sponsoring, arranging, or holding a fight between dogs;
 - (B) Wagering on or paying admission to a dogfight, which constitutes a misdemeanor offense;
 - (C) Owning, training, transporting, possessing, breeding, selling, transferring, or equipping any dog for a dogfight;
 - (D) Allowing a dogfight to occur on property owned or controlled by the person;
 - (E) Allowing any dog intended by the person to be used for a dogfight to be kept, boarded, housed, trained, or transported, on any property owned or controlled by the person;
 - (F) Using any means of communication for the promotion of a dogfight; or
 - (G) Possessing any device intended to enhance the dog's fighting ability with the intent that the device be used to train or prepare the dog to fight.

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 S.B. No. 763, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 763, 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.:*	Committee Referral: Date:			te:	
SB763	J60			3/2/09	
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)		\ /			
TAKAMINE, Dwight Y. (VC)					
BUNDA, Robert					
GABBARD, Mike					
NISHIHARA, Clarence K.		1	Montangiam (** v. vol.do		
SLOM, Sam		V			
					E ASSAULT CONTRACTOR
TOTAL		5	0	0	1
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

^{*}Only one measure per Record of Votes