

Honolulu, Hawaii

APR 08 2011

RE: H.B. No. 243
H.D. 1
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 243, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to establish the
killing of, or attempting to kill, a pet animal of another person
without that person's consent constitute animal cruelty in the
first degree, with certain exemptions.

Prior to the hearing, your Committee posted a proposed
S.D. 1, which deleted the contents of this measure and replaced
them with provisions prohibiting the retail sale of unsterilized
cats in order to mitigate the suffering of the feral cat
population. The proposed S.D. 1 also inserted an effective date
of January 1, 2012.

Your Committee received testimony in support of the proposed
S.D. 1 from the Hawaiian Humane Society, the Maui Humane Society,
the Kauai Humane Society, The Humane Society of the United States,
and numerous individuals. Your Committee received testimony in
opposition to the proposed S.D. 1 from one individual.

Your Committee finds that the population of feral cats is
increasing across the State in spite of widespread efforts to
control its growth. Your Committee further finds that the
uncontrolled propagation of unsterilized cats contributes to



increases in the feral cat population as feral cats are the offspring of domestic unsterilized cats that have been abandoned by their owners. Feral cats form colonies and procreate to the extent of presenting a humane issue that is exacerbated when abandoned or escaped pet cats continue to join the feral population and procreate. This measure, as proposed, will significantly slow the growth of the feral cat population thereby alleviating some degree of the suffering of that population.

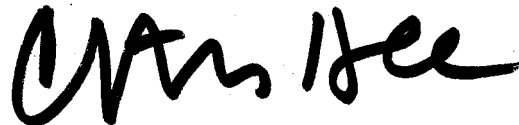
Your Committee also finds that there are currently more dogs in the State than there are humans willing to care for them and that the population of stray dogs is beset by many of the same issues affecting the feral cat population.

Accordingly, your Committee has amended this measure by adopting the proposed S.D. 1 and further amending this measure by:

- (1) Prohibiting the sale by any pet retailer of an unsterilized dog and defining that term;
- (2) Amending the purpose section accordingly; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 243, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 243, 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
Labor,



CLAYTON HEE, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB 243, HD1	Committee Referral: JDL	Date: 4-7-11		
<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
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
TOTAL	5	—	—	—
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<div style="display: flex; justify-content: space-between; font-size: small;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: x-small;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

*Only one measure per Record of Votes