STAND. COM. REP. NO. 434

Honolulu, Hawaii April 7 , 2011

RE: S.B. No. 1068 S.D. 1 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1068, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this bill is to create stronger protections for pet animals from abuse and cruelty by adding killing or attempting to kill a pet animal belonging to another without legal authority or consent to the offense of cruelty to animals in the first degree, with the exception of humane euthanasia by authorized individuals or entities and for landowners defending themselves, another, or an another animal on the landowner's property.

The City and County of Honolulu Department of the Prosecuting Attorney, The Humane Society of the United States in Hawaii, Hawaiian Humane Society, Downtown Neighborhood Board No. 13, and many concerned individuals testified in support of this bill. The Hawaii Cattlemen's Council, Inc. supported the intent of this measure. The Office of the Public Defender opposed this bill. The Department of the Attorney General and the Hawaii Farm Bureau Federation offered comments on this measure.

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Your Committee has amended this bill by:

- Deleting the requirement that humane euthanasia must be performed by specified individuals or agencies in accordance with American Veterinary Medical Association accepted standards;
- (2) Deleting the exception for the use of force by a landowner in self defense, or in defense of another person or animal, on the landowner's property;
- (3) Establishing a choice of evils defense;
- (4) Applying exceptions for accepted veterinary practices, scientific research, and cropping or docking specifically to the component of the offense relating to the torture, mutilation, poisoning, or causing such action, resulting in the serious bodily injury or death of a pet or equine animal;
- (5) Applying exceptions for humane euthanasia and choice of evils explicitly to the component of the offense relating to the killing or attempted killing of any pet animal belonging to another without consent;
- (6) Changing its effective date to July 1, 2011; and
- (7) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1068, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1068, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

> Respectfully submitted on behalf of the members of the Committee on Judiciary,

GILBERT KEITH-AGARAN, Chair

GILBERT KEITH-AGARAN, Chai



State of Hawaii House of Representatives The Twenty-sixth Legislature



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: 58 1068, SD1 Committe	e Referral:	UD Date	° 4/5/11	
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: D Pass, unamended (as is) D Pass, with amendments (HD) D Hold D Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KEITH-AGARAN, Gilbert S.C. (C)	<u> </u>			
2. RHOADS, Karl (VC)	~			
3. BROWER, Tom				
4. CABANILLA, Rida T.R.				inter
5. CARROLL, Mele				
6. HERKES, Robert N.	~			••••••••••••••••••••••••••••••••••••••
7. ITO, Ken	/			
8. LUKE, Sylvia	~			
9. McKELVEY, Angus L.K.				
10. OSHIRO, Blake K.	レ			
11. SOUKI, Joseph M.	$\boldsymbol{\mathcal{U}}$			
12. TSUJI, Clift	_ <i>V</i>			••••••••••••••••••••••••••••••••••••••
13. FONTAINE, George R.				
14. MARUMOTO, Barbara C.	-			
15. THIELEN, Cynthia				
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TOTAL (15)	14	0	0	1
The recommendation is: Adopted I Not Adopted If joint referral,				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				