

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

KEITH M. KANESHIRO
PROSECUTING ATTORNEY

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515

ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY



THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawai'i

March 17, 2011

RE: S.B. 1533, S.D. 1; RELATING TO CRUELTY TO ANIMALS.

Chair Keith-Agaran, Vice-Chair Rhoads, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of Senate Bill 1533.

The purpose of S.B. 1533, S.D. 1 is to amend HRS 711-1109(1)(c) to clarify the definition of animal cruelty in the second degree.

The Department agrees that current references to "pests" and "vermin" within HRS 711-1109(1)(c) are very ambiguous for purposes of notice and enforcement, and should be removed to better clarify this law. The Department further agrees that there must be exceptions for accepted forms of "pest control," and believes that the current language of S.B. 1533, S.D. 1 will adequately allow for such activity.

For these reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports Senate Bill 1533, S.D. 1. Thank you for the opportunity to testify on this matter.



HAWAIIAN HUMANE SOCIETY

2700 Waiālae Avenue
Honolulu, Hawaii 96825
Telephone: 946-2187
Fax: 955-6034
www.hawaiianhumane.org

Board of Directors

Chair

Norman M. Noguchi

Vice Chair

Francie Boland

Treasurer

Robert R. Bean

Secretary

Joyce Tomonari

President/CEO

Pamela Burns

Eric Ako, DVM

Sharon Shiroma Brown

Gerri Cadiz

Bruce A. Coppa

Nicholas C. Dreher

Ernest H. Fukeda, Jr.

Lynn Y. Lally

Naomi Loewe

Jean C. Marchant

Stephen B. Metter

Pauline M. Osborne

Mark Polivka

Lawrence D. Rodriguez

Shelley B. Thompson

Ginny Tiu

Virginia S. Weinman

Mary H. Weyand

Rick Zwern

*The Hawaiian Humane
Society is dedicated to
promoting the human-
animal bond and
the humane treatment of
all animals.*

March 16, 2011

Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair
Committee on Judiciary

RE: Senate Bill 1533, SD1

Dear Chair Keith-Agaran, Vice Chair Rhoads and Members of the
Committee on Judiciary:

Hawaiian Humane Society supports SB 1533, SD1's intent that aims to
strengthen Hawaii's animal cruelty law.

This language will provide stronger protection to many animals which
could have subjectively been considered "a pest" as included in the
original law.

Thank you for the opportunity to provide testimony in strong support of
the intent of SB 1533, SD1.

Sincerely Yours,

Pamela Burns
President and CEO

JUDtestimony

From: Darlene Ferrantino [darlenejof@yahoo.com]
Sent: Monday, March 14, 2011 10:32 AM
To: JUDtestimony

Dear Committee Members,

I am in favor of bills 1069 and 1533. Both represent cruelty to animals which I oppose. Spectators that attend dog fights should be prosecuted along with those who organize the dog fights, on two counts: inhumane treatment to animals and gambling. Any unnecessary killing of animals goes against the grain of treating animals humanely. Please support these two bills.

Confidentially note: The information contained in this email and any attachments to this message from the accounting firm of Darlene Jo Ferrantino, CPA may be confidential client communication. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the addressee or the employee or agent responsible to deliver this electronic message to its intended recipient, you are hereby notified that any review, use, dissemination, distribution, disclosure, copying or taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this communication in error, please immediately notify myself by telephone at 808-324-0069 and delete or destroy any copy of this message.

IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, please be informed that, to the extent this communication and any attachments contain any federal tax advice, such advice is not intended or written to be used, and cannot be used, for the purpose of avoiding penalties that may be imposed under the Internal Revenue Code or promoting, marketing or recommending to another person any transaction, arrangement or matter addressed herein.



HAWAII PEST CONTROL ASSOCIATION

Century Square – 1188 Bishop St., Ste. 1003*Honolulu, HI 96813-3304
Telephone (808) 533-6404 • Fax (808) 533-2739

March 17, 2011

Testimony To: House Committee on Judiciary
Representative Gilbert S.C. Keith-Agaran, Chair

Presented By: Tim Lyons, CAE
Executive Director

Subject: SB 1533, SD 1 – RELATING TO CRUELTY TO ANIMALS

Chair Keith-Agaran and Members of the Committee:

I am Tim Lyons, Executive Director of the Hawaii Pest Control Association and we have concerns on this bill.

It is our members that are called upon to do structural pest control for pests and other insects around homes and structures. One service that is typically offered is bird control. Another offered infrequently but, nevertheless, is offered by pest control operators is control of mongoose.

In either case, it is typically not our intent to poison or kill these undesirable nuisances but it does happen. The original terms of the bill included "vermin or other pests" however, that has now been changed. Vermin includes animals that directly damage crops and land and there are

some that would carry social parasites and would be considered as undesirable. Pigeons are also typically considered vermin and hotels, particularly in Waikiki, have a huge problem with pigeon control.

Based on the above, we would, one, request a return to the original language and two, request additional language which specifically excludes the activities undertaken by licensed pest control operators who are authorized and licensed under Chapter 460J HRS.

Thank you.

JUDtestimony

From: Rosemary Karlsson [rosemarykarlsson@gmail.com]
Sent: Sunday, March 13, 2011 2:00 PM
To: JUDtestimony
Subject: Support SB 1533

Dear Honorable Chair Agaran, Vice-Chair Rhoads and Committee Members:

Please **SUPPORT SB 1533** a modest measure to prevent the cruel killing of peacocks and other animals that may potentially be perceived as "pests."

Rosemary Karlsson
PO Box 492266
Keaau, HI 96749
808-966-6589

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 13, 2011 4:54 PM
To: JUDtestimony
Cc: swartzg001@hawaii.rr.com
Subject: Testimony for SB1533 on 3/17/2011 2:00:00 PM

Testimony for JUD 3/17/2011 2:00:00 PM SB1533

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: gregory swartz
Organization: Individual
Address:
Phone:
E-mail: swartzg001@hawaii.rr.com
Submitted on: 3/13/2011

Comments:

Sorry, but I personally believe that feral peacocks are pests and I believe the court agreed. It should not be a crime for anyone to eliminate them humanely. Also, there may be other pests other than insects and rodents such as pigeons and doves or the rare snake or reptile, etc. that need to be controlled. These are not pets or domestic animals. While I abhor animal cruelty, control measures must be taken where necessary and the government or private humane organizations are not always ready to help. Under this bill, I'm not sure they or private pest control operators could help unless the objective was to relocate these pests. Obviously, relocation requires a willing recipient.

JUDtestimony

From: Merwitte [merwitte@aol.com]
Sent: Sunday, March 13, 2011 8:32 PM
To: JUDtestimony
Subject: Please SB 1533

Please help pass this bill. The arrogance involved in this peacock case needs to be addressed. Thank you for standing up to people who think they can just club something to death because it bothers them. Aloha, Selene Mersereau

JUDtestimony

From: Casey Alinan on behalf of webmaster
Sent: Monday, March 14, 2011 7:53 AM
To: JUDtestimony
Subject: FW: Testimony for SB1533 on 3/17/2011 2:00:00 PM

Forwarding email to JUDtestimony@capitol.hawaii.gov

webmaster



From: georgie fong [mailto:peppisascho@yahoo.com]
Sent: Sunday, March 13, 2011 10:11 PM
To: Mailing List
Subject: Re: Testimony for SB1533 on 3/17/2011 2:00:00 PM

Hi, I am resending, hope it works through email.

From: "mailinglist@capitol.hawaii.gov" <mailinglist@capitol.hawaii.gov>
To: JUDtestimony@capitol.hawaii.gov
Cc: Peppisascho@yahoo.com
Sent: Sun, March 13, 2011 10:04:13 PM
Subject: Testimony for SB1533 on 3/17/2011 2:00:00 PM

Testimony for JUD 3/17/2011 2:00:00 PM SB1533

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Georgie Fong
Organization: Individual
Address:
Phone:
E-mail: Peppisascho@yahoo.com
Submitted on: 3/13/2011

Comments:

Please support the animal cruelty bill.

Violence against innocent animals should not be tolerate. It is an accepted fact that people who are violent towards animals are more likely to be violent towards humans. This type of behavior should not be tolerate in our society. To legally allow violent behavior towards animal without legal punishment is in practice "consent".

Please support and pass the anti-cruelty bil against animals.

mahalo
Georgie Fong
Pepeekeo, HI 96783

JUDtestimony

From: Bird of Paradise [birdofparadise@hawaii.rr.com]
Sent: Monday, March 14, 2011 12:11 AM
To: JUDtestimony
Subject: SB 1533 - JUDTestimony@capitol.hawaii.gov

Dear Honorable Chair Agaran, Vice-Chair Rhoads and Committee Members:

Please **SUPPORT SB 1533** a modest measure to prevent the cruel killing of peacocks and other animals that may potentially be perceived as "pests." Peacocks were the beloved companions of Princess Kaiulani and are treasured worldwide for their beauty and grace. We, as humans, should abhor such acts and work to create laws that are just and kind to all creatures.

Respectfully,

Andrea & Ganshet Nandoskar

440 Lewers Street #702

Honolulu, HI 96815

JUDtestimony

From: Judy Mick [ppchawaii@yahoo.com]
Sent: Sunday, March 13, 2011 9:45 PM
To: JUDtestimony
Subject: SB 1533

Aloha Chair Agaran and Vice Chair Rhoades-

I hope by your support of SB 1533 we can prevent the killing of innocent animals just because someone considers them a pest. In addition, however, we must look ahead at providing ways for people to humanely deal with these situations through education and the support of organizations who deal with animal welfare such as the Humane Society. We need to guide people in the right direction while making sure those who would be cruel are stopped. Mahalo. Judy Mick, Kailua

From: INSPIREVISION@aol.com
Sent: Monday, March 14, 2011 4:33 PM
To: JUDtestimony
Cc: puaa@hawaii.rr.com
Subject: Re: SB 1533

Dear Honorable Chair Agaran, Vice-Chair Rhoads and Committee Members:

Please **SUPPORT SB 1533** a modest measure to prevent the cruel killing of peacocks and other animals that may potentially be perceived as "pests."

There is no excuse to go out killing peacocks! It is cruelty to animals and shameful, criminal and disgusting behavior to make animals suffer!!

Jane Shiraki

Honolulu

From: Hawaii Cat Foundation [hawaiicatfoundation@yahoo.com]
Sent: Monday, March 14, 2011 3:48 PM
To: JUDtestimony
Subject: SB1533 - PLEASE SUPPORT

Re: Animal Cruelty

Dear Honorable Chair Agaran, Vice-Chair Rhoads and Committee Members:

Please **SUPPORT SB 1533** a modest measure to prevent the cruel killing of peacocks and other animals that may poten

Thank you,

Christin Matsushige

1000 Bishop St. 12th Floor

Honolulu HI 96813

From: kathy [kathym@hawaii.rr.com]
Sent: Monday, March 14, 2011 2:41 PM
To: JUDtestimony
Subject: SB 1533

Dear Honorable Chair Agaran, Vice-Chair Rhoads and Committee Members:
Please **SUPPORT SB 1533** a modest measure to prevent the cruel killing of peacocks and other animals that may potentially be perceived as “pests.”

Please support SB1533.

Aloha,
Kathy Esposito-Mason

March 15, 2011

TESTIMONY SB 1533 – Clarifying the definition of pests. SUPPORT!!!!

Thursday – March 17th, 2:00PM, Room 325, State Capitol

House Judiciary Committee

Dear Honorable Chair Agaran, Vice Chair Rhoads and Committee Members

It is extremely critical and extremely important that this clarification of pests and vermin is made.

In the recent past there was someone here on the Big Island, in a position of authority that wrote a letter to the editor referring to cats as vermin. We immediately had a rash of cat killing, some were shot. Some pets just came up missing. These cats were not wild ferals in the mountains. The excuse was that they were vermin and some would quote the existing law. There are those who don't like cats and go out of their way to abuse them anyway so now they thought they had a legal right... Every so often I still hear someone insist they are vermin, all because of one person's ignorance.

It is not only cats that need protecting but a variety of birds, such as peacocks, that some may feel are pests. We need to close this loophole

Every animal needs to be cared for and protected and all the humane societies here in Hawaii are there to help. But we need your help now!! Please pass this legislation.

This is an absolutely necessity!!

Thank you for this opportunity to testify.

Ginger Towle – President – West Hawaii Humane Society

Box 2695, Kailua-Kona, Hawaii 96740

Phone – 808-329-2051

JUDtestimony

From: STEPHANIE M. [aloharunner@hotmail.com]
Sent: Tuesday, March 15, 2011 2:48 PM
To: JUDtestimony
Subject: SUPPORT SB 1533 Peacock Bill

Please support SB 1533 which amends definition of "pests" in anti-cruelty statute. No one should have the right to bash an animal to death with a baseball bat no matter how annoyed they become with the animal. Studies by the FBI link violence to animals with violence towards human beings. If we allow a person to get away with brutally killing an animal with a baseball bat, there is strong evidence that this person could one day also use the baseball bat on another human. Please pass this law, Hawaii needs it! Thank you. Stephanie McLaughlin, 95-310 Haakualiki Place, Milliani, Hawaii, 96789, phone 808-3844764, email aloharunner@hotmail.com



Aloha from ...

Stephanie McLaughlin

"Be the change you wish to see in the world"

JUDtestimony

From: Lori Aquino [laquino@unioncounsel.net]
Sent: Tuesday, March 15, 2011 11:59 AM
To: JUDtestimony
Subject: Support SB 1533

Importance: High

Dear Honorable Chair Agaran, Vice-Chair Rhoads and Committee Members:

Please SUPPORT SB 1533 a modest measure to prevent the cruel killing of peacocks and other animals that may potentially be perceived as "pests."

Lori Aquino
808 5288878

JUDtestimony

From: Toni Bennett [aftonb83@yahoo.com]
Sent: Tuesday, March 15, 2011 11:40 AM
To: JUDtestimony
Subject: SB1533

Dear Sirs

Please support this bill to prevent cruelty to animals and birds, especially, labeled as "pests". Please prevent the senseless and cruel killing of these highly intelligent, affectionate and beautiful animals/ It is heart grieving. Sincerely, Toni Bennett

If you Look for Beauty. You'll Find It!"

JUDtestimony

From: Victoria B. Anderson [vanderso@hawaii.edu]
Sent: Tuesday, March 15, 2011 11:08 AM
To: JUDtestimony
Subject: Please support SB1533

Dear Honorable Chair Agaran, Vice-Chair Rhoads and Committee Members:

Please do the right thing by animals, and **SUPPORT SB 1533**, a modest measure to prevent the cruel killing of peacocks and other animals that may potentially be perceived as "pests."

many thanks,

--

Victoria Anderson
Associate Professor of Linguistics
University of Hawai'i at Manoa
<http://www2.hawaii.edu/~vanderso/>
vanderso@hawaii.edu; 808-956-5830

Sabbatical: Fall 2010 and Spring 2011

 Please consider the environment before printing this e-mail.

Avoid cruelty to animals.

Choose a vegetarian diet.

Every little bit helps.

JUDtestimony

From: Phyllis Tavares [p.tavares@earthlink.net]
Sent: Tuesday, March 15, 2011 12:22 PM
To: JUDtestimony
Subject: please vote in favor

SB 1069

SB 1533