Honolulu, Hawaii

APR 2 6 2013

RE:

S.B. No. 635

S.D. 1

H.D. 3

C.D. 1

Honorable Donna Mercado Kim President of the Senate Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 635, S.D. 1, H.D. 3, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to protect law enforcement animals in the line of duty. Specifically, this measure:

- (1) Creates the offense of cruelty to a law enforcement animal in the first and second degrees;
- (2) Establishes penalties; and
- (3) Provides exceptions to the offenses, affirmative defenses, and restitution to certain affected parties.

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Your Committee on Conference finds that law enforcement animals are an integral part of Hawaii's law enforcement and corrections agencies and are hand-selected and highly trained for their jobs. These animals diligently work side-by-side with law enforcement officers, deputies, and other personnel and should be afforded special protections. This measure protects law enforcement animals in the line of duty.

Your Committee on Conference has amended this measure by adopting the H.D. 1 version of this measure which:

- (1) Adds the definition of "law enforcement animal" to section 711-1110, Hawaii Revised Statutes;
- (2) Amends section 711-1109.4, Hawaii Revised Statutes, to include recklessly causing substantial bodily injury to or death of any law enforcement animal under the offense of causing injury or death to a service dog; rename the offense; provide certain exceptions to this offense; establish that a violation is a class C felony; provide restitution; and establish an affirmative defense;
- (3) Amends section 711-1109.5, Hawaii Revised Statutes, to include intentionally or knowingly striking, beating, kicking, stabbing, shooting, or administering any type of harmful substance or poison to a law enforcement animal under the offense of intentional interference with the use of a service dog; rename the offense; provide certain exceptions to this offense; establish that a violation is a misdemeanor; and provide restitution; and
- (4) Inserts an effective date of upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 635, S.D. 1, H.D. 3, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 635, S.D. 1, H.D. 3, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE

HENRY J.C. AG

o-Chair

KEN ITO Co-Chair

CLAYTON HEE, Chair

MAILE S.L. SHIMABUKURO, Co-Chair

Hawaii State Legislature

CCR 128

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 635, SD 1, HD 3					Date/Time: 4/26/13, 1:39 pm				
The recommendation of the House and Senate managers is to pass with amendments (CD).									
☐ The Committee is reconsidering its	previo	ous dec	cision						
The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	Е	House Managers	A	WR	N	E
HEE, Clayton, Chr.	V				AQUINO, Henry J.C., Co-Chr.	1/			
SHIMABUKURO, Maile S.L., Co-Chr.	/	1			ITO, Ken, Co-Chr.	1/			
SLOM, Sam	/	1			ING, Kaniela, Co-Chr.	V			
					TAKUMI, Roy M.				\
					MCDERMOTT, Bob				/
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TOTAL	3				TOTAL	3			2
A = Aye $WR = Aye$ with Reservation				N = Nay $E = Excused$					
Senate Recommendation is:				House Recommendation is:					
Adopted					Adopted Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
Distribution: V Original File with Conference Committee Report Hou					Yellow Pink Goldenrod ouse Clerk's Office Senate Clerk's Office Drafting Agency				