STAND. COM. REP. NO.

102

Honolulu, Hawaii MARCA 22, 2013 RE: S.B. No. 635 S.D. 1

H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 635, S.D. 1, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to protect law enforcement animals in the line of duty by amending the existing offenses of causing injury or death to a service dog and intentional interference with the use of a service dog to include law enforcement animals, specify exceptions, increase the penalty for causing injury or death, and provide for restitution upon conviction of intentional interference.

The Department of the Prosecuting Attorney of the City and County of Honolulu, Department of Public Safety, Honolulu Police Department, and Maui Police Department supported this measure. The Humane Society of the United States supported this measure with amendments. A concerned individual opposed this measure. The Humane Society of Hawaii offered comments on this measure.

Your Committee has amended this measure by:

(1) Removing language that added law enforcement animals to the existing offenses of causing injury or death to a service dog and intentional interference with the use of



a service dog and that otherwise amended those existing offenses;

- (2) Adding language to create the offense of cruelty to a law enforcement animal in the first degree, making it a felony to intentionally or knowingly cause the death of or substantial bodily injury to a law enforcement animal while the animal is engaged in its law enforcement or corrections duties, providing exceptions to the offense, providing for an affirmative defense, and providing for restitution to affected parties;
- (3) Adding new language to create the offense of cruelty to a law enforcement animal in the second degree, making it a misdemeanor to intentionally or knowingly cause injury to or to recklessly cause the death or substantial bodily injury of a law enforcement animal while the animal is engaged in its law enforcement or corrections duties, providing exceptions to the offense, providing for an affirmative defense, and providing for restitution to affected parties;
- (4) Adding definitions of "bodily injury" and "substantial bodily injury"; and
- (5) Making technical, nonsubstantive amendments 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. 635, S.D. 1, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 635, S.D. 1, H.D. 2.

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

KARL RHOADS, Chair



HSCR 1202

State of Hawaii House of Representatives The Twenty-seventh Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral:			Date:		i
SB635, SD1, HD1 PBS, JUD, FIN 31913						
□ The committee is reconsidering its previous decision on the measure.						
The recommendation is to:						
Pass short form bill with HD to recommit for future public hearing (recommit)						
JUD Members		Ayes	Ayes (WF	R) N	lays	Excused
1. RHOADS, Karl (C)						
2. HAR, Sharon E. (VC)		<u>×</u>				
3. BELATTI, Della Au		X				
4. BROWER, Tom		X				
5. CABANILLA, Rida T.R.		X				
6. CARROLL, Mele		´χ ¯				
7. ITO, Ken		X				-
8. KAWAKAMI, Derek S.K.		X				
9. LEE, Chris		x				
10. TSUJI, Clift		X				
11. WOOLEY, Jessica		×	·			
12. MCDERMOTT, Bob		×				
13. THIELEN, Cynthia		×				
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TOTAL (13)		13				
The recommendation is:						
If joint referral, did not support recommendation.						
committee acronym(s)						
Vice Chair's or designee's signature:						
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO						