STAND. COM. REP. NO. 4

Honolulu, Hawaii

FEB 2 8 2013

RE: S.B. No. 978

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

Madam:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 978 entitled:

"A BILL FOR AN ACT RELATING TO THE PENAL CODE,"

begs leave to report as follows:

The purpose and intent of this measure is to impose a mandatory sentence of one year of imprisonment on a defendant convicted of cruelty to animals in the second degree involving five or more pet animals in any one instance.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney, Humane Society of the United States-Hawaii, and two private individuals. Testimony in opposition to this measure was submitted by the Office of the Public Defender and one private individual.

Your Committee finds that in a recent animal cruelty case, the judge sentenced the former manager of a Waimanalo dog breeding facility to six months in jail for one hundred fifty-three counts of animal cruelty. However, the defendant was released from custody for time served while waiting for trial. This measure ensures that defendants convicted of multiple counts of cruelty to animals in the second degree serve time for the crimes committed.

Your Committee notes the concerns raised by the Office of the Public Defender that the outcome of a single case should not be the impetus to propose changes to the criminal justice system. However, your Committee believes that this measure represents a clear message that animal cruelty is an intolerable criminal act.



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In addition, your Committee clarified that this measure is not intended to give pet animals a higher priority over criminal acts committed against five or more individuals in any one instance. Your Committee further notes that S.B. No. 421 (Regular Session of 2013) provides the same mandatory sentence of one year of imprisonment on a defendant who is convicted of certain criminal acts committed against five or more individuals or pet animals.

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 S.B. No. 978 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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Respectfully submitted on behalf of the members of the Committee on Judiciary and Labor,

CLAYTON HEE, Chaiı

The Senate Twenty-Seventh Legislature State of Hawai'i

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee Referral:		Date:		
SB 978 JD		L	\mathcal{O}	1-30-	2013
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)		\checkmark			
SHIMABUKURO, Maile S.L. (VC)					
GABBARD, Mike					
IHARA, Jr., Les	· · · ·				
SLOM, Sam					
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TOTAL		5			
Recommendation:					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes