



## **TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-SEVENTH LEGISLATURE, 2013**

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**ON THE FOLLOWING MEASURE:**  
H.B. NO. 408, RELATING TO ANIMALS.

**BEFORE THE:**  
HOUSE COMMITTEE ON JUDICIARY

**DATE:** Friday, February 8, 2013 **TIME:** 2:00 p.m.  
**LOCATION:** State Capitol, Room 325  
**TESTIFIER(S):** David M. Louie, Attorney General, or  
Simeona A. Mariano, Deputy Attorney General

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Chair Rhoads and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purposes of this bill are:

1. Create a registry of animal abusers convicted of Cruelty to Animals in the First Degree (Hawaii Revised Statutes (HRS) §711-1108.5) and Cruelty to Animals by Fighting Dogs in the First Degree (HRS §711-1109.3) and require registration by animal abusers;
2. Provide public access to information about registered abusers; and
3. Establish a class C felony for failure to comply with registration requirements and for providing false information.

The Hawaii Criminal Justice Data Center checked its criminal history database and discovered only nine (9) potential covered offenders in the past fifteen years (since 1997) that would be required to register under this proposed bill. Section 711-1108.5, HRS, was enacted in 2007 and section 711-1109.3, HRS, was enacted in 1983. The Department has some concern about the resources and funds that would be needed to set up, maintain, administer, and enforce the proposed registry for so few individuals.

If the Committee is inclined to pass this bill, the Department would suggest that, along with social security numbers, the abuser's fingerprints, palm prints and place of employment, not be made available to the public. The Department also notes that the bill fails to clarify whether offenders convicted in another jurisdiction and are currently residing in Hawaii need to register.



**Office of the Public Defender  
State of Hawaii  
Timothy Ho, Chief Deputy Public Defender**



**Testimony of the Office of the Public Defender,  
State of Hawaii to the House Committee on Judiciary**

February 8, 2013 2:00 p.m.

H.B. No. 408: RELATING TO ANIMALS

Chair Rhoads and Members of the Committee:

This measure would require individuals convicted of cruelty to animals in the first degree and cruelty to animals by fighting dogs in the first degree to register with the Department of the Attorney General. We oppose H.B. 408.

The requirements of this bill are similar to the requirements made of individuals convicted of certain sexual assault offenses. The sex offender registry was created to track the whereabouts of sex offenders. Through the registry, various agencies and the general public are able to find out how many sex offenders live in a particular neighborhood, and the names and addresses of those offenders. Employers are able to run a background check on prospective employees to see if they have been convicted of sexual offenses.

The registry proposed in this measure makes no sense. While there is a governmental interest in keeping track of sex offenders, especially those who prey on strangers and children, there is no such interest or similar benefit in keeping track of animal abusers. These individuals do not typically prey on stray animals or pets that belong to strangers. The cases we have seen usually involve individuals abusing their own pets or a business owner and/or employee that mistreat their animals. There is no benefit to maintaining an animal abuser registry, other than to impose a "scarlet letter" on those convicted of cruelty to animals and dog fighting. Even the sex offender registry has provisions, which allow a registrant in certain cases to petition the court to be removed from the registry.

Furthermore, the families of an animal abuser, which may include young children, may be the subject of threats, insults and unfair treatment by schools, employers and neighbors. An innocent person, who moves into the residence formerly occupied by someone on the registry, could also be mistakenly subjected to threats, ridicule and scorn.

The funds allocated to maintaining this registry would be better utilized by providing counseling to the offender and/or their family members. Mandatory counseling, community service and other non-punitive measures will have a greater impact on changing the behavior of animal abusers than a registry. Animal abusers, many of whom suffer from depression, anger management, psychological and behavioral problems will fall into a deeper depression, get angrier and react negatively to the registry requirement.

We also believe that making the failure comply with the proposed registry requirements a class C felony is overly punitive, and at most, should be a misdemeanor offense.

Thank you for the opportunity to provide input on this measure.



**THE HUMANE SOCIETY  
OF THE UNITED STATES**

TO: Honorable Chair Rhoads, Vice-Chair Har and Committee Members  
House Judiciary Committee, 2-8-13, 200pm, Rm 325

**RE: COMMENTS on HB408; Animal Abuse Registry**

Submitted by: Inga Gibson, Hawaii State Director, The Humane Society of the United States, P.O. Box 89131, Honolulu, HI 96830, [igibson@hsus.org](mailto:igibson@hsus.org), 808-922-9910

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We thank the Committee for its consideration of our comments. Furthermore, we thank the Women's Caucus for their concern for animal welfare and community safety, in their submission of this measure.

Experts in the fields of psychology and criminology have long recognized that those who abuse animals often escalate to violence against people or other crimes. Animal abuse, especially in children, is not only a predictor of potential future violent behavior but also a sign that the child themselves is the victim of some kind of abuse or exploitation. Child animal abusers often model behavior they have seen adults commit or project violent behavior against those who are even more vulnerable than they are, which includes animals.

However, we believe that in many cases those who abuse animals, especially children with proper early psychological intervention, can be rehabilitated, including treatment to build empathy, identify underlying causes of anger or abuse.

In addition to psychological intervention and assessment, in our experience we have found that fines and restitution (as proposed under HB240/SB421), prohibitions on ownership of animals (as is currently proposed under SB 9/HB1186) and in some cases, imprisonment (Prosecutors package; SB872), are more effective than other punitive measures such as having the offender register, further isolating the individual from the community and resources for rehabilitation.

We understand that this measure still needs consideration by the Finance Committee and thank you for your consideration of these comments.

Below is a reprint of an article (12/4/10) that ran in the Huffington Post that further articulates our position on animal abuse registries. [http://www.huffingtonpost.com/wayne-pacelle/reservations-about-the-an\\_b\\_791829.html](http://www.huffingtonpost.com/wayne-pacelle/reservations-about-the-an_b_791829.html)

*"A [law](#) recently passed in Suffolk County, New York to require people convicted of cruelty to animals to register with a publicly accessible website or face jail time and fines. This idea has surfaced in several other states this past year, including California, Rhode Island, and Tennessee. It's an animal cruelty registry list, like a "Megan's Law" for animals, and it's an idea being widely discussed among individuals and organizations determined to fight cruelty.*

*By providing a resource for the public to identify neighbors convicted of animal cruelty, proponents argue, individuals can take steps to protect their animals and themselves. It provides a tool to allow people to be more alert to those individuals convicted of cruelty to animals. Proponents claim that the stigma of being registered for all to see will serve to deter people from committing animal crimes.*



*This idea springs from the right instinct: to be tough on people involved in cruelty. We at The Humane Society of the United States agree wholeheartedly that we need to know more about people convicted of cruelty to animals. The documented [connection](#) between animal cruelty and interpersonal violence and crime tempts us to see this approach as a potential tool for advancing a humane society. But there are a few other angles to consider.*

*For some years, we have been pressing the Federal Bureau of Investigation to specifically identify animal-related crimes in the Uniform Crime Reports system utilized by law enforcement agencies nationwide, rather than lump them into the "miscellaneous" category. Without a reporting requirement, there is no way to track the number of reported incidents of animal cruelty cases each year. This incomplete picture of the problem impedes efforts to properly focus enforcement resources and violence prevention programs.*

*The proper identification of animal cruelty crimes in the FBI Uniform Crime Reporting Program, once in effect, like the tracking of hate crimes and other important categories, would be national in scope. Within the FBI system, every incident would be reported, whether or not it results in an arrest or conviction. By its nature, it is a much more inclusive system and the proper cataloging of animal cruelty offenses would enhance its value for helping authorities to determine where potential and actual criminal activity is occurring. Having proper data on where and with what frequency cruelty is occurring would help guide lawmakers on policy decisions and law enforcement and nonprofit agencies on allocation of scarce resources.*

*While high-profile animal cruelty cases often make the news, the overwhelming proportion of animal abuse is perpetrated by people who neglect their own animals. These people, including hoarders afflicted with serious mental health problems, are unlikely to pose a physical or violent threat to their neighbors' pets (or their neighbors, for that matter). When convicted of cruelty these people should be punished. But experience has made clear that such individuals would pose a lesser threat to animals in the future if they received comprehensive mental health counseling. Shaming them with a public Internet profile is unlikely to affect their future behavior -- except perhaps to isolate them further from society and promote increased distrust of authority figures trying to help them. And would people other than those absolutely committed to our cause really check such a website anyway?*

*When someone is convicted and punished for cruelty, moreover, does shunning or shaming them forever do any good for any animals? Perhaps we are drawn to the idea as a result of our intense hatred of what they've done or the general frustration with the criminal justice system's failure to fully enforce laws that are often weaker than they should be. To that end, efforts to stop animal abuse and improve public safety should focus on [upgrading](#) criminal animal cruelty and neglect penalties and encouraging more vigorous application of these laws.*

*In addressing criminal misconduct, our society must strike the right balance between punishment and rehabilitation. Unlike sexual predation -- the inspiration for abuse registry systems around the country -- animal abuse is not deemed by professionals as a pre-disposed, hard-wired condition. People who abuse animals stand a much better chance of being rehabilitated, especially if identified early at a young age. And thank goodness for that. If people who have wronged animals in the past want to put such behavior behind them, we should surely hope that society can make that possible.*

*We see many examples of this in our work. Our [End Dogfighting](#) program works with former dogfighters to change the culture and turn young lives around. Youngsters in Chicago, Atlanta and Philadelphia are learning new ways to relate to their dogs. And they are becoming ambassadors in their communities spreading the anti-dogfighting message.*

*No group has put more resources into [stopping](#) animal cruelty and abuse, or done so with greater effect, than The HSUS. We have worked relentlessly through the years to upgrade state and federal animal fighting, animal cruelty and animal neglect laws. Thirty years ago, there were but a handful of felony-level penalties for cruelty. Now all 50 states treat dogfighting as a felony offense, 46 states treat malicious cruelty as a felony, and 39 states allow judges to hand out felony penalties for cockfighting offenses. There is a federal law that makes possession of fighting animals a felony offense, too. Strong laws against cruelty can deter criminals or allow us to lock up people who break the rules and leave a trail of animal victims.*

*And once those laws are on the books, they must be enforced. We have [rewards programs](#) and [tip lines](#) for information that leads to the arrest of people involved in cruelty, animal fighting, and even poaching. And we've [trained](#) more than 5,000 law enforcement officials in the identification and prosecution of animal abusers. We have just finalized our state legislative agenda for 2011, and will pursue substantial penalty upgrades of animal cruelty or fighting laws in 25 states.*

*Animal cruelty -- like other crimes -- must be reported, classified, and analyzed in a comprehensive manner that results in swift and efficient enforcement of the law and the general improvement of society. It is not clear that the current round of proposals to create a patchwork of county-by-county or state-by-state public registry databases would materially advance these goals. In fact, it probably does nothing to help these people learn a new way of viewing and treating animals. Strengthening the human-animal bond is our ultimate goal, not deepening the break. We must utilize what energy and resources we can muster on the most effective approaches to the scourge of cruelty.*

*This post originally appeared on Pacelle's blog, [A Humane Nation](#).*



## har2-Vincent

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 05, 2013 10:32 PM  
**To:** JUDtestimony  
**Cc:** bjsreverie@aol.com  
**Subject:** Submitted testimony for HB408 on Feb 8, 2013 14:00PM

### **HB408**

Submitted on: 2/5/2013

Testimony for JUD on Feb 8, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn Muramaru	Individual	Oppose	No

Comments: I don't feel a registry of this type is needed. This free public website lists pet abuse going back to 1996. [http://www.pet-abuse.com/pages/cruelty\\_database/results.php?country=US&us\\_state=HI&order=desc&page=1](http://www.pet-abuse.com/pages/cruelty_database/results.php?country=US&us_state=HI&order=desc&page=1)

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## har2-Vincent

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 07, 2013 12:50 PM  
**To:** JUDtestimony  
**Cc:** rabakerhawaii@msn.com  
**Subject:** Submitted testimony for HB408 on Feb 8, 2013 14:00PM

### **HB408**

Submitted on: 2/7/2013

Testimony for JUD on Feb 8, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
RICKY BAKER	Individual	Comments Only	No

Comments: I would like to offer comments here as both an animal lover and pet store owner in our community. As someone who is very much in favor of protecting animals against cruelty, this is a very difficult measure for me to object to, but I do have concerns. This registry is being compared by many to current sex offender registries that have been federally mandated. There is a growing opinion among many that these registries do not in fact, prevent sexual violence, as most sex crimes or abuse are committed by family members or acquaintances, and are often 1st time offenses. Several states acknowledge an inability to adequately monitor these registries, as well. I mention the above in the hopes that if our state decides to create this animal abuse registry, the monies spent will actually be for a functional and enforceable program. A pet abuse registry measure introduced in California in 2010 was heavily endorsed by the Humane Society of the United States, a national lobbyist group that admittedly does not operate animal shelters and is not affiliated in any way with locally run shelters (such as our own Hawaiian Human Society). HSUS President and CEO Wayne Pacelle supported a tax on pet food as a mechanism to fund this registry, according to a NY Times interview. This is not surprising given HSUS's end goal (in my opinion) of eliminating pet ownership entirely. Preventing animal abuse offenders from owning pets should not be at the expense of current pet owners, pet food manufacturers, or pet stores. I would hope a great deal of thought is given to creating this registry as to whether it will be a tool that can be used effectively, and does not turn out to be a waste of tax-payer's money. I support any legislation that protects our pets, but our laws need to be created not based on emotional reactions to puppy mill atrocities, but on rational arguments about the effectiveness of these new laws. Respectfully, Ricky A. Baker

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