

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

April 2, 2013 2:00 p.m.

S.B. No. 9, H.D. 1: RELATING TO ANIMALS

Chair Rhoads and Members of the Committee:

The Office of the Public Defender opposes S.B. 9, H.D. 1, and suggests an amendment to this measure.

This measure would prohibit a person convicted of animal cruelty in the first and second degree from owning, possessing or residing with a pet animal for two years and one year, respectively.

The requirement that a person convicted of animal cruelty "shall be prohibited from possessing, owning, or residing with any pet animal" for a specific period of time is inconsistent with §711-1110.5, H.R.S., which governs the surrender or forfeiture of animals. Surrender or forfeiture of the animal, which was the subject of the cruelty charge, or other animals in the possession or control of the defendant is not mandatory, and the court may allow the animal to remain in the defendant's possession or control. The defendant or another family member may have owned the pet that was the subject of the abuse. A person convicted of animal cruelty could reside with his family or other people who own a pet animal other than the one abused by the defendant.

Under this measure, the court could allow the animal to remain at the residence, but the defendant would be required to get rid of the animal, or move out. Families may be forced to choose between a pet and a defendant. This pet may belong to a young girl or boy, or a relative in the case of extended families living under a single roof.

We propose amending this measure by replacing the word "shall" on page 2, line 17 with the word "may." The court would then have the discretion when sentencing a defendant for animal cruelty to order the animal surrendered or forfeited and prohibit the possession or ownership of any other pet animal for a specified period of time.

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

POLICE DEPARTMENT

CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813 TELEPHONE: (808) 529-3111 · INTERNET; www.honolulupd.org

KIRK W. CALDWELL MAYOR



OUR REFERENCE RS-NTK

April 2, 2013

The Honorable Karl Rhoads, Chair and Members Committee on Judiciary House of Representatives Hawaii State Capitol 415 South Beretania Street Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

Subject: Senate Bill No. 9, S.D. 1, H.D. 1, Relating to Animals

I am Richard Schaab, Captain of the Criminal Investigation Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department supports Senate Bill No. 9, S.D. 1, H.D. 1, Relating to Animals.

The Honolulu Police Department recognizes our culture's fondness for pets. The Honolulu Police Department also recognizes the illicit use of fighting gamecocks and dogs for the purpose of furthering illegal gambling and the negligence of some owners of puppy mills.

This bill seeks to make it illegal for a person convicted of animal cruelty to possess, own, or reside with any pet animal for a designated period of time.

The Honolulu Police Department urges you to support Senate Bill No. 9, S.D. 1, H.D. 1, Relating to Animals.

Thank you for the opportunity to testify.

Sincerely

RICHARD SCHAAB, Captain Criminal Investigation Division

APPROVED:

L'OUIS M. KEALOHA

Chief of Police

LOUIS M. KEALOHA CHIEF

DAVE M. KAJIHIRO MARIE A. McCAULEY DEPUTY CHIEFS

Serving and Protecting With Aloha



TO: Honorable Chair Rhoads, Vice-Chair Har and Committee Members

House Judiciary Committee, 4-2-13, 200pm, Rm 325

RE: Testimony in SUPPORT of SB9; Relating to Animal Cruelty

Submitted by: Inga Gibson, Hawaii State Director, The Humane Society of the United States, P.O. Box 89131, Honolulu, HI 96830, <u>igibson@hsus.org</u>, 808-922-9910

On behalf of our members and supporters in Hawaii, we thank the Committee for its consideration and support of SB9 which would prohibit a person convicted of cruelty to animals in the first degree and second degree from possessing, owning, or residing with any pet animal for a minimum period of time from the conviction date. We also appreciate your consideration of the below proposed amendment.

At least 30 states have some provision in statute that relates to prohibiting or limiting the ownership or possession of animals upon an animal cruelty conviction, with prohibition periods ranging from 1 year up to permanent/lifetime bans on ownership. This provision is necessary to protect other animals that may too become the victim of cruelty or abuse, recognizing that those who are cruel to animals often abuse multiple animals or species, and often escalate to violence against humans or other crimes.

There have been a number of cases, most recently involving the sentencing of the Waimanalo "puppy mill" manager convicted of 153 counts of animal cruelty, where there was no prohibition on ownership of animals, and despite our and the prosecuting attorney's request. Without such sentence, this defendant, as with others who were not prohibited from owning animals post-conviction, may simply return to abusing animals, including in some cases, continuing to profit from their sale.

Much like if one is convicted of a serious driving offense they lose their driver's license for a period of time, or when one is convicted of harming a child, they are prohibiting from residing with the child or other children, this measure follows that one be appropriately prohibited from owning animals, if convicted of cruelty, for a minimum period of time.

However, we are concerned that PAGE 2, LINE 17 and PAGE 3, LINE 7, may be misinterpreted to only prohibit the convict from possessing the *individual* animal involved in the offense, rather than any type or species of animal(s) involved in the offense (ie a convicted dogfighter should be prohibited from possessing all his/her fighting dogs, not just the individual dog that may have been fought). In addition we don't want to limit the courts discretion to prohibit other species from being possessed if deemed appropriate (e.g. someone mutilates their dog but also owns cats or other animals that may be at risk of cruelty).

We are therefore asking that the language be clarified to read (p.2, line 17, p.3, line 7) "...possessing, owning or residing with any animal, **including but not limited to any and all**

types of animal(s) involved in the offense, for a minimum...." Another option would be to strike "involved in the offense" which would prohibit the ownership of any animal

We respectfully urge your support of SB9 with the above-proposed clarifying amendment.



Hawaiian Humane Society People for animals. Animals for people.

2700 Waialae Avenue Honolulu, Hawaii 96826 808.946.2187 • hawaiianhumane.org

RE:	Support SB9, SD1, HD1; Relating to Animals – Prohibition on Ownership/Possession
Date:	March 30, 2013
Submitted by:	Jennifer J. Han, Policy Advocate Hawaiian Humane Society, <u>jhan@hawaiianhumane.org</u>
	House Committee on Judiciary (JUD) April 2, 2013, 2:00 p.m., Room 325
То:	Representative Rhoads, Chair of the Committee on Judiciary, Representative Har, Vice Chair, and Committee Members

The Hawaiian Humane Society supports the passage of Senate Bill 9, Senate Draft 1, House Draft 1 as we strive for stronger sentences and related-penalties on those convicted of animal cruelty.

This bill, which prohibits persons, including legal entities such as corporations, convicted of felony and misdemeanor animal cruelty charges from owning or possessing pet animals for a minimum duration of two years and one year, respectively, will ensure that those who have engaged in abhorrent acts of cruelty toward animals will not lawfully be able to have their own pet animals. Furthermore, this bill is not only deterrent in nature but also punitive in that those convicted will no longer be afforded the privilege of owning a pet animal. Such persons who show that they are unable to care for animals must know that the law will not condone such behavior in the future.

Thank you for the opportunity to testify in support of SB 9, SD 1, HD 1. On behalf of Hawaiian Humane Society, I ask for your support for this measure.

Submitted By	Organization	Testifier Position	Present at Hearing
Aimee Nuss	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Alan Streicher	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Alice Saul	Individual	Support	No

Comments: COMMITTEE ON JUDICIARY Rep. Karl Rhoads, Chair Rep. Sharon E. Har, Vice Chair Dear Representatives Rhoads and Har: I am writing to you regarding SB9 to urge its passage. This bill would create what appears to be a reasonable intervention for a situation that for whatever reason led someone to inflict harm on an animal. Lacking such a "time out" provision, there is no reason to expect a change in understanding or behavior. I hope you agree. Thank you.

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Submitted By	Organization	Testifier Position	Present at Hearing
Andrew Connell	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
anna meng	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Arin Duarte	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Audrey Lake	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
audrey nakata	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Bonnie Oea	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Brett Lum	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Carolyn Knoll	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Caron Nakamura	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Chelsea Kentris	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
cheryl Thielen	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Colleen Otsuka	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Cynthia Frith	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Dana Jones	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Morisato	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Denise Anderson	Individual	Support	No

Comments: I agree with this bill.

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Submitted By	Organization	Testifier Position	Present at Hearing
Diane Blastic	Individual	Support	No

Comments: Please prohibit persons convicted of cruelty to animals in the first degree and second degree from possessing, owning, or residing with any pet animal for at least one year.

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Submitted By	Organization	Testifier Position	Present at Hearing
Dirk Fukushima	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Suter	Individual	Support	No

Comments: Please make this Law!

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Submitted By	Organization	Testifier Position	Present at Hearing
Fawn Liebengood	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Gillian Boss	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Ginger Chock	Individual	Support	No

Comments:

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;	Submitted By	Organization	Testifier Position	Present at Hearing
	Ginny Tiu	Individual	Support	Yes

Comments: I am in strong support of SB9.

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Submitted By	Organization	Testifier Position	Present at Hearing
Helene Navaro	Individual	Support	No

Comments: Please support this Bill and not allowing people convicted with animal cruelty to have animals again. It's just a matter of time and they will go back to their old way of treating animals...resulting again in another cruelty case. waste of innocent animal lives and our funds to go after another cruelty case. It shouldn't have to happen again and again. Please support this crucial Bill for the voiceless animals. Thank you kindly!

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Submitted By	Organization	Testifier Position	Present at Hearing
IRIS IWAMI	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Jacque Le Blanc	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Jamie Ikeda	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Jane Arnold	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Janet Clark	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Janis Kusatsu	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Jason Cadiz	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Chiwa	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Jenny Fujiwara	Individual	Support	No

Comments: These people should be treated like someone who molests or abuses children (human beings).

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Submitted By	Organization	Testifier Position	Present at Hearing
Jessica Dunn	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Jessie Ito	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Jessie Pennington	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Jo-Ann Fujita	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
JOHNNY KELLY	Individual	Support	No

Comments: PLEASE PASS THIS BILL!

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Submitted By	Organization	Testifier Position	Present at Hearing
Judith A. Mick	Individual	Support	No

Comments: This is an excellent bill which is already in place in other states.We must protect innocent animals from abusers. It is heartening that our Prosecutor and HPD agree.

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Submitted By	Organization	Testifier Position	Present at Hearing
Kahanu Ponimoi	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Kate Linton	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Kaui	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Keoni Vaughn	Individual	Support	No

Comments: Dear Chair, Vice Chair, and Committee Members, Please pass this bill as it will ensure that those convicted of animal cruelty offenses are prohibited from owning or possessing their own pet animals. This bill is reasonable and appropriately punitive. I ask for your support in passing this bill. Thank you. Sincerely, Keoni Vaughn

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Submitted By	Organization	Testifier Position	Present at Hearing
Laura Lum	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
LEILA ISHIKI	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Leona Ely	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
leslie takaki	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Linda Ross	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Fowler	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Lola Colombe	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Lopaka Biondine	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Lu Fleming	Individual	Support	No

Comments: the greatness of a nation and its moral progress can be judged by the way its animals are treated...Ghandi. It is shameful for our species being the dog (mans best friend) when man is the dogs worst friend. consequence s/b longer in time but an example of the offense is at least something.

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Submitted By	Organization	Testifier Position	Present at Hearing
Malia Hollmann	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Marci Taylor-Kaneshige	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Marcia Muraoka-Dunn	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Margaret Sueoka	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Mary James	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Mi Kosasa	Individual	Support	No

Comments: Please help these abusers as well as our abused animals...and, not allow the abusers to have any animals. We are the voice of these silent creatures whose only purpose is to love and be loved...they bring compassion to this world.

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Submitted By	Organization	Testifier Position	Present at Hearing
Michele Higa	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Bowerman	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Mike Moran	Individual	Support	No

Comments: Do not give criminals the chance to repeat the same criminal act. Support Please.

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Submitted By	Organization	Testifier Position	Present at Hearing
Naomi Egami	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Pam Wolf	Individual	Support	No

Comments: How will one ever know if they aren't torturing their new animal??? Keep convicts away from all animals!

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Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Stevens	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Peter Kowen	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Rachel Sussman	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Rob Church	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
roland shanklin	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
sarah kimmons	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Sherryl Mencacci	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Stacy Takekawa	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Docekal	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Susan Hammer	Individual	Support	No

Comments: Those who have had a history of abusing animals should not be allowed to have pets.

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Submitted By	Organization	Testifier Position	Present at Hearing
Susan Kosasa	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Terry Joiner	Individual	Support	No

Comments: Animal abusers should probably be in jail as long as child abusers and should be put on an on-line list (similar to the one available to the public for those that abuse kids). If that is not possible then most certainly they should be prohibited from owning or caring for a defenseless animal or pet.

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Submitted By	Organization	Testifier Position	Present at Hearing
Vernon Ling	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Victoria Sandoval	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Violet luta	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Warren C. Amaral	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Jamie Louis	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Jane Shiraki	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
David McArthur	Individual	Support	No

Comments: Please support this important bill SB 9 Mahalo

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Submitted By	Organization	Testifier Position	Present at Hearing
Mary Markl	Individual	Support	No

Comments: Please stop this nightmare. No feeling creature should ever be terrorized and trapped, not helped nor given to someone who has done it before unless you can be right there 24 hrs. protecting them. This is exactly why laws are made because there are people who will go on doing cruel things unless it is outlawed and there are penalties. Please pass this now and make sure your colleagues vote on the floor to make this law. Thank you.

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Submitted By	Organization	Testifier Position	Present at Hearing
Ron Gose	Individual	Support	No

Comments:

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