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## A BILL FOR AN ACT

RELATING TO ANIMAL CRUELTY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that it is important to  
2 protect pet animals from cruel treatment and prevent pet animals  
3 from incurring unnecessary or prolonged suffering. Steel jawed  
4 leg-hold traps were originally designed to capture fur-bearing  
5 animals such as bears, foxes, beavers, and other animals that  
6 are not present in Hawaii. Snares and foot- or leg-hold traps  
7 were designated to capture other non-domesticated animals.

8           Unfortunately, domesticated pet animals are frequent  
9 victims of snares and may also become victims of steel-jawed  
10 leg-hold, conibear, or foot- or leg-hold traps. Cases have  
11 been reported of dogs and cats found dead or severely injured  
12 after being caught in these devices, or chewing off their own  
13 limbs in an attempt to escape these devices.

14           The legislature further finds that existing laws and  
15 administrative rules do not prohibit or regulate the use of  
16 steel-jawed leg-hold, conibear, foot- or leg-hold traps or  
17 snares, all of which can be easily purchased on the Internet.



1 The purpose of this Act is to:

- 2 (1) Establish an animal cruelty offense for the use of  
3 steel-jawed leg-hold traps, and the use of snares,  
4 conibear, and foot- or leg-hold traps in residential  
5 areas;
- 6 (2) Provide exemptions for activities carried out by state  
7 and federal agencies; and
- 8 (3) Establish the offense as a misdemeanor.

9 SECTION 2. Chapter 143, Hawaii Revised Statutes, is  
10 amended by adding a new section to be appropriately designated  
11 and to read as follows:

12 "§143- Reporting of dog or cat captured or killed in  
13 snare or trap. Any dog or cat captured or killed in any steel-  
14 jawed leg-hold trap, snare, conibear trap, or foot- or leg-hold  
15 trap, as those terms are defined in section 711- , in an area  
16 zoned as residential shall be immediately checked for  
17 identification and reported to a county animal control officer,  
18 and upon request, shall be turned over to the animal control  
19 officer."

20 SECTION 3. Chapter 711, Hawaii Revised Statutes, is  
21 amended by adding a new section to be appropriately designated  
22 and to read as follows:



1        "§711- Cruelty to animals by trapping. (1) A person  
2        commits the offense of cruelty to animals by trapping if the  
3        person intentionally, knowingly, or recklessly uses, sets, or  
4        maintains:

5        (a) A steel-jawed leg-hold trap; or

6        (b) A snare, conibear, or foot- or leg-hold trap in an  
7        area zoned as residential or any other area where such  
8        trap is prohibited by law or rule; except under the  
9        situations described in subsection (2),

10       (2) Subsection (1) shall not apply to:

11       (a) Persons carrying out accepted practices for rodent  
12       control that do not involve the devices listed in  
13       subsection (1); and

14       (b) Employees of state or federal agencies who are  
15       carrying out activities required under a management  
16       plan approved by state or federal agencies, pursuant  
17       to a mandatory statutory duty for the protection of  
18       species listed as threatened or endangered species, or  
19       other wildlife species protected by law, or for the  
20       protection of public health, safety, or property.

21       (3) As used in this section:

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1        "Conibear trap" means a contrivance consisting of metal or  
2        steel designed to kill by crushing the body or severing the  
3        spinal cord of any animal.

4        "Foot- or leg-hold trap" means a contrivance consisting of  
5        metal or steel that is off-set, padded or laminated, and is  
6        designed to capture and hold any animal by foot and limb.

7        "Snare" means a contrivance consisting of a noose,  
8        regardless of material, designed to capture, trap, or kill any  
9        animal or hold any animal by food, limb, or neck.

10       "Steel-jawed leg-hold trap" means a spring-powered  
11       contrivance that captures or holds the limb of an animal by  
12       exerting a lateral force with fix-mounted jaws.

13       (4) Cruelty to animals by trapping is a misdemeanor."

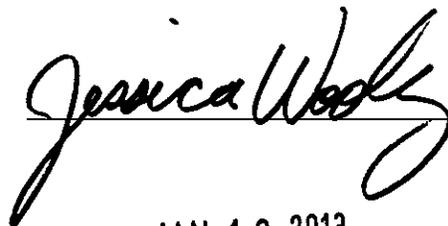
14       SECTION 4. This Act does not affect rights and duties that  
15       matured, penalties that were incurred, and proceedings that were  
16       begun before its effective date.

17       SECTION 5. New statutory material is underscored.

18       SECTION 6. This Act shall take effect upon its approval.

19

INTRODUCED BY:



JAN 18 2013



**Report Title:**

Animal Cruelty; Trapping

**Description:**

Requires dogs or cats that are captured or killed in a snare or trap to be reported to a county animal control officer.  
Establishes an animal cruelty offense for the use of steel-jawed leg-hold traps, snares, conibear, or foot- or leg-hold traps in residential or other prohibited areas. Provides exemptions for activities carried out by state and federal agencies.  
Establishes the offense as a misdemeanor.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

