

JAN 18 2013

S.B. NO. 700

A BILL FOR AN ACT

RELATING TO CRUELTY TO ANIMALS.

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

1 SECTION 1. The legislature finds that Hawaii's existing
2 penal code does not adequately address situations in which an
3 offender injures or kills an animal used by a law enforcement
4 agency or corrections facility. Law enforcement animals have
5 been specifically trained to assist law enforcement in the
6 detection of criminal activity, enforcement of laws, and the
7 apprehension of criminal offenders. Although the death or
8 serious injury of a law enforcement animal is not a serious
9 problem in Hawaii yet, it has become a problem across the
10 country. During the last forty years, one hundred thirty-nine
11 police dogs have been killed in the line of duty by firearms.
12 Nationally, law enforcement trained animals are being used more
13 and more on a daily basis to assist officers in the field to
14 safely complete their daily activities, to search out narcotics
15 and explosives, and to complete search and rescue operations.
16 In the last twenty years, law enforcement agencies have come to
17 rely on trained animals to address some of the most dangerous
18 assignments. In 2000, the federal government enacted the



1 Federal Law Enforcement Animal Protection Act which recognized
2 the need to provide legal protection for the animals that work
3 with sworn law enforcement personnel. Forty-four states and one
4 territory have laws that protect law enforcement animals.

5 The purpose of this Act is to establish the offenses of
6 cruelty to a law enforcement animal in the first and second
7 degrees.

8 SECTION 2. Chapter 711, Hawaii Revised Statutes, is
9 amended by adding two new sections to be appropriately
10 designated and to read as follows:

11 "§711- Cruelty to a law enforcement animal in the first
12 degree. (1) A person commits the offense of cruelty to a law
13 enforcement animal in the first degree if the person
14 intentionally or knowingly strikes, beats, kicks, cuts, stabs,
15 shoots, or administers any type of harmful substance or poison
16 to a law enforcement animal while the animal is performing its
17 duties as a law enforcement animal and is under the control of a
18 sworn law enforcement officer, resulting in substantial bodily
19 injury or death to the animal.

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

21 (a) Generally accepted veterinary practices;



1 (b) Activities carried on for scientific research governed
2 by standards of generally accepted educational or
3 medicinal practices; or

4 (c) Cropping or docking as customarily practiced.

5 (3) Cruelty to a law enforcement animal in the first
6 degree is a class C felony.

7 (4) In addition to any other penalty, the court shall
8 order restitution be paid to the law enforcement agency or owner
9 of the animal for the following expenses:

10 (a) Veterinary bills and other medical costs;

11 (b) Replacement cost if the animal is killed, disabled, or
12 destroyed;

13 (c) Lost wages for the law enforcement animal's handler;
14 and

15 (d) Any other costs relating to violations of this
16 section.

17 (5) It is an affirmative defense to a prosecution pursuant
18 to this section that a law enforcement animal was not handled in
19 accordance with well-recognized national handling procedures or
20 was handled in a manner contrary to its own department's
21 handling policies and procedures.



1 §711- Cruelty to a law enforcement animal in the second
2 degree. (1) A person commits the offense of cruelty to a law
3 enforcement animal in the second degree if:
4 (a) The person intentionally or knowingly causes injury or
5 pain to a law enforcement animal by any means while
6 the animal is performing its duties as a law
7 enforcement animal and is under the control of a sworn
8 law enforcement officer; or
9 (b) The person recklessly causes substantial bodily injury
10 or death to a law enforcement animal by any means
11 while the animal is performing its duties as a law
12 enforcement animal and is under the control of a sworn
13 law enforcement officer.
14 (2) Subsection (1) shall not apply to:
15 (a) Generally accepted veterinary practices;
16 (b) Activities carried on for scientific research governed
17 by standards of generally accepted educational or
18 medicinal practices; or
19 (c) Cropping or docking as customarily practiced.
20 (3) Cruelty to a law enforcement animal in the second
21 degree is a misdemeanor.



1 (4) In addition to any other penalty, the court shall
2 order restitution be paid to the law enforcement agency or owner
3 of the animal for the following expenses:

4 (a) Veterinary bills and other medical costs;

5 (b) Replacement cost if the animal is killed, disabled, or
6 destroyed;

7 (c) Lost wages for the law enforcement animal's handler;
8 and

9 (d) Any other costs relating to violations of this
10 section.

11 (5) It is an affirmative defense to a prosecution pursuant
12 to this section that a law enforcement animal was not handled in
13 accordance with well-recognized national handling procedures or
14 was handled in a manner contrary to its own department's
15 handling policies and procedures."

16 SECTION 3. Section 711-1100, Hawaii Revised Statutes, is
17 amended by adding a new definition of "law enforcement animal"
18 to be appropriately designated and to read as follows:

19 "Law enforcement animal" means any dog, horse, or other
20 animal used by law enforcement or corrections agencies that is
21 trained to work in the areas of tracking, suspect apprehension,
22 crowd control, drug detection, or explosive detection."



1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 5. New statutory material is underscored.

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

6

INTRODUCED BY: Will Enger

Heidi

Erzanne Chun assistant

Nike Hubbard

Jennifer

CTM 1/12



S.B. NO. 160

Report Title:

Cruelty to Animals; Penalties

Description:

Establishes the offense of cruelty to a law enforcement animal in the first and second degree.

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

