
A BILL FOR AN ACT

RELATING TO OFFENSES INVOLVING THE CONFINEMENT OR RESTRAINT OF
DOGS.

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

1 SECTION 1. The legislature finds that unattended tethering
2 isolates dogs from positive interactions with humans and often
3 causes dogs to develop unruly and even dangerous behavior, such
4 as excessive barking, aggression, and biting. In addition, the
5 improper use of tethers and other methods of confinement in
6 general can cause deficiencies in meeting the physical and
7 behavioral needs of dogs and lead to injury or death.

8 The legislature further finds that the cruelty to animals
9 offenses under section 711-1109(1)(f) and (g), Hawaii Revised
10 Statutes, respectively, make it a misdemeanor to confine a pet
11 animal in a kennel or cage in a cruel or inhumane manner, or
12 leave a dog unsupervised while tethered to a stationary object
13 by means of a choke collar, pinch collar, or prong collar.

14 However, the legislature believes that additional and enhanced
15 protections are needed to effectively prevent dog injuries and
16 deaths caused by the improper use of tethers and other methods



1 of confinement, including the establishment of standards to
2 ensure the quality of dog enclosures.

3 The purpose of this Act is to enhance the safety of dogs by
4 establishing the offense of unlawful confinement or restraint of
5 a dog to enhance related offenses under the cruelty to animals
6 law and provide standards for the use of tethers and enclosures
7 for dogs.

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

11 "§711- Unlawful confinement or restraint of a dog. (1)
12 Except as otherwise provided in section 711-1109(1), a person
13 commits the offense of unlawful confinement or restraint of a
14 dog if the person intentionally, knowingly, or recklessly:

15 (a) Restrains a dog by tethering, attaching, fastening, or
16 tying the dog to any stationary object:

17 (i) Where the dog is left unsupervised by any person
18 who is at least fourteen years of age;

19 (ii) Where the dog is under the age of twelve months;

20 (iii) Where the dog is sick, injured, or in need of
21 veterinary care;



- 1 (iv) By use of a collar or harness that:
- 2 (A) Is a choke collar, pinch collar, or prong
- 3 collar;
- 4 (B) Is not specifically designed and properly
- 5 fitted for the restraint of the dog;
- 6 (C) Does not exceed the circumference of the
- 7 dog's neck by at least one inch; or
- 8 (D) Is fitted primarily or entirely upon the
- 9 head of the dog; or
- 10 (v) By use of a tether, chain, rope, cord, leash,
- 11 pulley, running line, trolley system, or similar
- 12 device that:
- 13 (A) Is not specifically designed for restraining
- 14 dogs;
- 15 (B) Is less than five times the length of the
- 16 dog as measured from the tip of its nose to
- 17 the base of its tail or that is not a
- 18 reasonable length given the size of the dog
- 19 and available space;
- 20 (C) Is of a weight or incorporates weights so
- 21 disproportionate to the size of the dog as



- 1 to cause overloading in violation of section
2 711-1109(1)(a);
- 3 (D) Lacks a swivel on both ends or contains
4 tangles;
- 5 (E) Fails to allow the dog to move at least
6 eight feet in any direction, excluding the
7 length of the dog as measured from the tip
8 of the its nose to the base of its tail,
9 unless the dimensions would violate clause
10 (F);
- 11 (F) Allows the dog to reach the property of
12 another person, public property, or any
13 object or hazard that poses a risk of injury
14 of any type or poses a risk of entanglement;
- 15 (G) Exposes the dog to extreme or inclement
16 weather or hazardous environments; or
- 17 (H) Denies the dog access to water, shelter,
18 shade, or dry ground free of unsanitary
19 conditions; or
- 20 (b) Causes the dog to spend the majority of its time in an
21 enclosure that:



- 1 (i) Causes a violation of section 711-1109(1);
- 2 (ii) Consists of or includes any electronic system for
- 3 pet containment that lacks a physical barrier
- 4 that will prevent persons or other animals from
- 5 entering the enclosure; or
- 6 (iii) Consists of or includes a crate container
- 7 designed for the transport of a live dog.
- 8 (2) This section shall not apply to the use of a restraint
- 9 on a dog:
- 10 (a) While the owner of the dog or another person, with the
- 11 owner's consent, is walking the dog by means of a
- 12 handheld leash designed specifically for dogs and
- 13 intended to be held by the owner or person while it is
- 14 attached to the dog's collar or harness. As used in
- 15 this paragraph, "owner" means any person, responsible
- 16 party, or any legal entity, including a corporation,
- 17 partnership, firm, or trust, that owns, possesses,
- 18 harbors, keeps, or has custody or permanent or
- 19 temporary control of a dog; or



1 (b) While the dog is engaged in a supervised activity
2 where the restraint is reasonably necessary for the
3 safety of the dog.

4 (3) Unlawful confinement or restraint of a dog:

5 (a) Shall be a violation for a first offense, and upon
6 conviction thereof the defendant shall be fined up to
7 \$90; provided that the court shall waive the
8 imposition of the fine if the defendant achieves
9 compliance with this section and section 711-1109(1)
10 within ninety days of the violation;

11 (b) Shall be a petty misdemeanor for a second offense,
12 punishable by a fine of up to \$500, or imprisonment
13 not exceeding thirty days, or both; and

14 (c) Shall be a misdemeanor for a third or subsequent
15 offense, punishable by a fine of up to \$1,000, or
16 imprisonment not exceeding six months, or both,
17 except as otherwise provided in subsection (4).

18 (4) For any conviction under this section, if as a result
19 of the commission of the offense the defendant causes or allows
20 to occur serious bodily injury to the dog or the death of the



1 dog, the defendant shall be guilty of a class C felony pursuant
2 to section 711-1108.5(1)(a)."

3 SECTION 3. Section 711-1109, Hawaii Revised Statutes, is
4 amended by amending subsections (1) and (2) to read as follows:

5 "(1) A person commits the offense of cruelty to animals in
6 the second degree if the person intentionally, knowingly, or
7 recklessly:

8 (a) Overdrives, overloads, tortures, torments, beats,
9 causes substantial bodily injury to, or starves any
10 animal, or causes the overdriving, overloading,
11 torture, torment, beating, or starving of any animal;

12 (b) Deprives a pet animal of necessary sustenance or
13 causes [~~such~~] the deprivation;

14 (c) Mutilates, poisons, or kills without need any animal
15 other than insects, vermin, or other pests; provided
16 that the handling or extermination of any insect,
17 vermin, or other pest is conducted in accordance with
18 standard and acceptable pest control practices and all
19 applicable laws and regulations;

20 (d) Keeps, uses, or in any way is connected with or
21 interested in the management of, or receives money for



H.B. NO. 15

1 the admission of any person to, any place kept or used
2 for the purpose of fighting or baiting any bull, bear,
3 cock, or other animal, and includes every person who
4 encourages, aids, or assists therein, or who permits
5 or suffers any place to be so kept or used;

6 (e) Carries or causes to be carried, in or upon any
7 vehicle or other conveyance, any animal in a cruel or
8 inhumane manner;

9 (f) Confines or causes to be confined, in a kennel or
10 cage, any pet animal in a cruel or inhumane manner; or

11 ~~[(g) Tethers, fastens, ties, or restrains a dog to a~~
12 ~~doghouse, tree, fence, or any other stationary object~~
13 ~~by means of a choke collar, pinch collar, or prong~~
14 ~~collar; provided that a person is not prohibited from~~
15 ~~using such restraints when walking a dog with a hand-~~
16 ~~held leash or while a dog is engaged in a supervised~~
17 ~~activity; or~~

18 ~~(h)]~~ (g) Assists another in the commission of any act
19 specified in ~~[subsections]~~ subsection (1) (a) through
20 ~~[(1) (g)]~~ (1) (f).



H.B. NO. 151

1 (2) Subsection (1)(a), (b), (c), (e), (f), and (g) [~~and~~
2 ~~(h)~~] shall not apply to:

- 3 (a) Accepted veterinary practices;
- 4 (b) Activities carried on for scientific research governed
5 by standards of accepted educational or medicinal
6 practices; or
- 7 (c) Pest control operations conducted pursuant to chapter
8 149A by a pest control operator licensed pursuant to
9 chapter 460J, if the pest control is performed under a
10 written contract."

11 SECTION 4. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 5. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

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

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H.B. NO. 151

Report Title:

Crime; Cruelty to Animals; Unlawful Confinement or Restraint of Dogs

Description:

Establishes the criminal offense of unlawful confinement or restraint of a dog to enhance related offenses under the cruelty to animals law and provide standards for the use of tethers and enclosures for dogs.

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