
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 Hawaii has the
2 highest percentage of endemic species of any state in the
3 country, which also happens to be one of the highest rates found
4 anywhere in the world. The federal Endangered Species Act of
5 1973 and chapter 195D, Hawaii Revised Statutes, ensure the
6 perpetuation of aquatic life, wild life, and land plants and
7 their habitats by listing as endangered or threatened certain
8 species of aquatic life, wild life, and land plants, some of
9 which are indigenous to Hawaii, for protection and conservation.

10 However, there are indigenous species that are not deemed
11 endangered or threatened under the Endangered Species Act of
12 1973 or chapter 195D, Hawaii Revised Statutes. As a result,
13 some Hawaii indigenous species are not afforded the same federal
14 and state protections as those listed species. For example, the
15 Laysan albatross is listed under state administrative rules as
16 an indigenous bird to Hawaii, but is not deemed an endangered or
17 threatened species under the Endangered Species Act of 1973 or



1 chapter 195D, Hawaii Revised Statutes. In light of the deaths
2 of several albatross at Kaena Point in December 2015, the
3 legislature recognizes the need for heightened legal protections
4 for Hawaii's indigenous birds specifically.

5 Additionally, the legislature finds that the continual
6 tethering or chaining of dogs is a cruel and inhumane practice
7 that endangers dogs as well as people. Tethering or chaining
8 refers to the practice of keeping a dog continually tied to a
9 stationary object. A tether, chain, or other similar restraint
10 significantly restricts a dog's movement and can become tangled
11 or hooked on the dog's shelter structure or other objects, thus
12 restricting the dog's movement even further and causing injury.

13 While restraining a dog in this manner for short periods of
14 time may be acceptable for purposes such as exercising,
15 training, or taking the dog outdoors, continual restraint over a
16 long period of time often results in the dog becoming neurotic,
17 anxious, and aggressive. For this reason alone, allowing dogs
18 to be continually tethered or chained poses a greater danger to
19 people, whereas restricting this practice makes communities
20 safer by reducing the number of dog attacks and dog bites.



1 The purpose of this Act is to provide further protections
2 for indigenous birds and dogs by amending the offense of cruelty
3 to animals in the first degree to include indigenous birds and
4 cruelty to animals in the second degree to include certain types
5 of restraints to dogs that deprive them of necessary food and
6 sustenance or are otherwise inhumane.

7 SECTION 2. Section 711-1100, Hawaii Revised Statutes, is
8 amended by adding a new definition to be appropriately inserted
9 and to read as follows:

10 "Indigenous bird" means any species of birds occurring or
11 living naturally in Hawaii without having been brought to Hawaii
12 by humans."

13 SECTION 3. Section 711-1108.5, Hawaii Revised Statutes, is
14 amended as follows:

15 1. By amending subsection (1) to read:

16 "(1) A person commits the offense of cruelty to animals in
17 the first degree if the person intentionally or knowingly:

18 (a) Tortures, mutilates, or poisons or causes the torture,
19 mutilation, or poisoning of any pet animal or equine
20 animal resulting in serious bodily injury or death of
21 the pet animal or equine animal; [~~or~~]



1 (b) Kills or attempts to kill any pet animal belonging to
2 another person, without first obtaining legal
3 authority or the consent of the pet animal's owner[-];
4 or

5 (c) Tortures, mutilates, or poisons, or assists another in
6 or causes the torture, mutilation, or poisoning of an
7 indigenous bird."

8 2. By amending subsection (4) to read:

9 "(4) Whenever any pet animal [~~or~~], equine animal, or
10 indigenous bird is so severely injured that there is no
11 reasonable probability that its life can be saved, the animal
12 may be immediately destroyed without creating any offense under
13 this section."

14 SECTION 4. Section 711-1109, Hawaii Revised Statutes, is
15 amended as follows:

16 1. By amending subsection (1) to read:

17 "(1) A person commits the offense of cruelty to animals in
18 the second degree if the person intentionally, knowingly, or
19 recklessly:

20 (a) Overdrives, overloads, tortures, torments, beats,
21 causes substantial bodily injury to, or starves any



- 1 animal, or causes the overdriving, overloading,
2 torture, torment, beating, or starving of any animal;
- 3 (b) Deprives a pet animal of necessary sustenance or
4 causes such deprivation;
- 5 (c) Mutilates, poisons, or kills without need any animal
6 other than insects, vermin, or other pests; provided
7 that the handling or extermination of any insect,
8 vermin, or other pest is conducted in accordance with
9 standard and acceptable pest control practices and all
10 applicable laws and regulations;
- 11 (d) Keeps, uses, or in any way is connected with or
12 interested in the management of, or receives money for
13 the admission of any person to, any place kept or used
14 for the purpose of fighting or baiting any bull, bear,
15 cock, or other animal, and includes every person who
16 encourages, aids, or assists therein, or who permits
17 or suffers any place to be so kept or used;
- 18 (e) Carries or causes to be carried, in or upon any
19 vehicle or other conveyance, any animal in a cruel or
20 inhumane manner;



- 1 (f) Confines or causes to be confined, in a kennel or
- 2 cage, any pet animal in a cruel or inhumane manner;
- 3 (g) Tethers, fastens, ties, or restrains a dog to a
- 4 doghouse, tree, fence, or any other stationary object
- 5 [by], or uses a trolley, pulley, cable, or running
- 6 line designed to attach a dog to two stationary
- 7 objects:
- 8 (i) If the dog is under the age of six months unless
- 9 the dog is engaged in a supervised activity;
- 10 (ii) In a configuration that:
- 11 (A) Entangles or endangers the dog;
- 12 (B) Prevents necessary sustenance to the dog
- 13 (C) Denies the dog access to water, shelter,
- 14 shade, or dry ground free of unsanitary
- 15 conditions; or
- 16 (D) Leaves a dog restrained outdoors for a
- 17 certain period of time, as determined by
- 18 county ordinance;
- 19 (iii) If the tether is shorter than ten feet in length
- 20 unless the dog is engaged in a supervised
- 21 activity or is being transported;



1 (iv) If the restraint is a tow or log chain or is
2 disproportionate to the size or weight of the
3 dog; or

4 (v) By means of a choke collar, pinch collar, or
5 prong collar; provided that a person is not
6 prohibited from using [~~such restraints~~] a choke
7 collar, pinch collar, or prong collar when
8 walking a dog with a hand-held leash or while a
9 dog is engaged in a supervised activity; or

10 (h) Assists another in the commission of any act specified
11 in subsections (1)(a) through (1)(g)."

12 SECTION 5. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 6. If any provision of this Act, or the
16 application thereof to any person or circumstance, is held
17 invalid, the invalidity does not affect other provisions or
18 applications of the Act that can be given effect without the
19 invalid provision or application, and to this end the provisions
20 of this Act are severable.



1 SECTION 7. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 8. This Act shall take effect on January 7, 2059.



Report Title:

Animal Cruelty; Indigenous Birds; Dogs

Description:

Amends the offense of cruelty to animals in the first degree to include indigenous birds. Amends the offense of cruelty to animals in the second degree to include certain restraints to dogs. (SB700 HD1)

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