

---

## A BILL FOR AN ACT

---

RELATING TO SECTION 711-1109, HAWAII REVISED STATUTES.

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

1       SECTION 1.   Section 711-1109, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "§711-1109   Cruelty to animals in the second degree.   (1)

4   A person commits the offense of cruelty to animals in the second  
5 degree if the person intentionally, knowingly, or recklessly:

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

10       (b)   Deprives a pet animal of necessary sustenance as  
11           defined in section 711-1100, including the  
12           requirements relating to adequate shelter, or causes  
13           ~~[such]~~ that 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



1 standard and acceptable pest control practices and all  
2 applicable laws and regulations;

3 (d) Keeps, uses, or in any way is connected with or  
4 interested in the management of, or receives money for  
5 the admission of any person to, any place kept or used  
6 for the purpose of fighting or baiting any bull, bear,  
7 cock, or other animal, and includes every person who  
8 encourages, aids, or assists therein, or who permits  
9 or suffers any place to be so kept or used;

10 (e) Carries or causes to be carried, in or upon any  
11 vehicle or other conveyance, any animal in a cruel or  
12 inhumane manner;

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

15 (g) Tethers, fastens, ties, or restrains a dog to a  
16 doghouse, tree, fence, or any other stationary object  
17 [by], or uses a trolley, pulley, cable, or running  
18 line designed to attach a dog to two stationary  
19 objects:

20 (i) If the dog is under the age of six months unless  
21 the dog is engaged in a supervised activity;



1           (ii) In a configuration that:

2                   (A) Entangles or endangers the dog; or

3                   (B) Prevents the dog from obtaining necessary  
4                           sustenance, as defined in this chapter;

5           (iii) If the tether is shorter than five times the  
6                   length of the dog's body, as measured from the  
7                   tip of its nose to the base of its tail, unless  
8                   the dog is engaged in a supervised activity;

9           (iv) If the restraint is a tow or log chain or is  
10                   disproportionate to the size or weight of the dog  
11                   such that the restraint inhibits the free  
12                   movement of the dog within the area allowed by  
13                   the tether; or

14           (v) By means of a choke collar, pinch collar, or  
15                   prong collar; provided that a person is not  
16                   prohibited from using [~~such restraints~~] a choke  
17                   collar, pinch collar, or prong collar when  
18                   walking a dog with a hand-held leash or while a  
19                   dog is engaged in a supervised activity; or

20           (h) Assists another in the commission of any act specified  
21                   in subsections (1)(a) through (1)(g) [-]; provided that



1       a person who is convicted of assisting another in the  
2       commission of an act specified in subsection (1)(g)  
3       shall be sentenced pursuant to subsection (4)(b). As  
4       used in this section, "assist" means to instigate,  
5       engage in, or further the commission of an act  
6       prohibited under this section.

7       (2) Subsection (1)(a), (b), (c), (e), (f), (g), and (h)  
8 shall not apply to:

9       (a) Accepted veterinary practices;

10       (b) Activities carried on for scientific research governed  
11       by standards of accepted educational or medicinal  
12       practices; or

13       (c) Pest control operations conducted pursuant to chapter  
14       149A by a pest control operator licensed pursuant to  
15       chapter 460J, if the pest control is performed under a  
16       written contract.

17       (3) Whenever any animal is so severely injured that there  
18       is no reasonable probability that its life or usefulness can be  
19       saved, the animal may be immediately destroyed without creating  
20       any offense under this section.



1           (4) Cruelty to animals in the second degree is a  
2 misdemeanor, except ~~[where]~~ that if the offense ~~[involves]~~:

3           (a) Involves ten or more pet animals in any one instance  
4           [which], then cruelty to animals in the second degree  
5           is a class C felony[-]; or

6           (b) Involves nine or fewer pet animals in any one instance  
7           and involves an act prohibited under subsection  
8           (1)(g), then the defendant shall be guilty of a petty  
9           misdemeanor and shall be sentenced as follows:

10          (i) For a first offense under subsection (1)(g):

11           (A) Payment of a fine of not more than \$500 for  
12           each abused animal;

13           (B) If deemed appropriate by the court,  
14           completion of educational classes in animal  
15           abuse prevention; provided that the court  
16           shall not order classes under this paragraph  
17           if classes are not readily available from an  
18           animal welfare organization or a similar  
19           appropriate organization designated by the  
20           county in which the underlying offense  
21           occurred; and



1           (C) If deemed appropriate by the court,  
2                   completion of a course of psychological  
3                   counseling; or

4       (ii) For a second or subsequent offense under  
5           subsection (1)(g):

6           (A) Payment of a fine of not more than \$500 for  
7                   each abused animal;

8           (B) Completion of sixteen hours of community  
9                   service; and

10          (C) Imprisonment of no less than two days and no  
11               more than thirty days;

12       provided that, notwithstanding section 706-643(2), all  
13       finances collected under this paragraph shall be paid to  
14       the director of finance of the county in which the  
15       underlying offense occurred, as a general fund  
16       realization of that county."

17       SECTION 2. This Act does not affect rights and duties that  
18       matured, penalties that were incurred, and proceedings that were  
19       begun before its effective date.

20       SECTION 3. Statutory material to be repealed is bracketed  
21       and stricken. New statutory material is underscored.



# H.B. NO. 2072

1 SECTION 4. This Act shall take effect on July 1, 2018.

2

INTRODUCED BY: Cindy Evans

Rich Lutz

Nicole E. Town

JAN 19 2018



# H.B. NO. 2072

**Report Title:**

Cruelty to Animals; Restraints; Penalties

**Description:**

Prohibits certain restraints and tethers that endanger or deny sustenance to a dog. Specifies penalties.

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

