
A BILL FOR AN ACT

RELATING TO SECTION 711-1109, HAWAII REVISED STATUTES.

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

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

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

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

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

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

(c) Mutilates, poisons, or kills without need any animal other than insects, vermin, or other pests; provided that the handling or extermination of any insect, 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.



1 SECTION 4. This Act shall take effect on July 1, 2150.



Report Title:

Cruelty to Animals; Restraints; Penalties

Description:

Prohibits certain restraints and tethers that endanger or deny sustenance to a dog. Specifies penalties. (HB2072 HD1)

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