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# A BILL FOR AN ACT

RELATING TO ANIMALS.

**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 or  
11               causes [~~such~~] that deprivation;  
12           (c) Mutilates, poisons, or kills without need any animal  
13               other than insects, vermin, or other pests; provided  
14               that the handling or extermination of any insect,  
15               vermin, or other pest is conducted in accordance with  
16               standard and acceptable pest control practices and all  
17               applicable laws and regulations;



- 1 (d) Keeps, uses, or in any way is connected with or
- 2 interested in the management of, or receives money for
- 3 the admission of any person to, any place kept or used
- 4 for the purpose of fighting or baiting any bull, bear,
- 5 cock, or other animal, and includes every person who
- 6 encourages, aids, or assists therein, or who permits
- 7 or suffers any place to be so kept or used;
- 8 (e) Carries or causes to be carried, in or upon any
- 9 vehicle or other conveyance, any animal in a cruel or
- 10 inhumane manner;
- 11 (f) Confines or causes to be confined, in a kennel or
- 12 cage, any pet animal in a cruel or inhumane manner;
- 13 (g) Tethers, fastens, ties, or restrains a dog to a
- 14 doghouse, tree, fence, or any other stationary object
- 15 [by], or uses a trolley, pulley, cable, or running
- 16 line designed to attach a dog to two stationary
- 17 objects:
- 18 (i) If the dog is under the age of six months unless
- 19 the dog is engaged in a supervised activity;
- 20 (ii) In a configuration that:
- 21 (A) Entangles or endangers the dog; or



- 1                    (B) Prevents necessary sustenance to the dog;
- 2            (iii) If the tether is shorter than ten feet in length
- 3                    unless the dog is engaged in a supervised
- 4                    activity;
- 5            (iv) If the restraint is a tow or log chain or is
- 6                    disproportionate to the size or weight of the
- 7                    dog; or
- 8            (v) By means of a choke collar, pinch collar, or
- 9                    prong collar; provided that a person is not
- 10                   prohibited from using [~~such restraints~~] a choke
- 11                   collar, pinch collar, or prong collar when
- 12                   walking a dog with a hand-held leash or while a
- 13                   dog is engaged in a supervised activity; or
- 14            (h) Assists another in the commission of any act specified
- 15                   in subsections (1)(a) through (1)(g).
- 16            (2) Subsection (1)(a), (b), (c), (e), (f), (g), and (h)
- 17 shall not apply to:
- 18            (a) Accepted veterinary practices;
- 19            (b) Activities carried on for scientific research governed
- 20                   by standards of accepted educational or medicinal
- 21                   practices; or



1 (c) Pest control operations conducted pursuant to chapter  
2 149A by a pest control operator licensed pursuant to  
3 chapter 460J, if the pest control is performed under a  
4 written contract.

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

9 (4) Cruelty to animals in the second degree is a  
10 misdemeanor[~~7~~]; provided that a violation of subsection (1)(g)  
11 shall be punishable:

12 (a) For a first violation, by a fine of not less than  
13 \$100; and

14 (b) For a subsequent violation, by a fine of not less than  
15 \$300 or imprisonment not exceeding six months, or  
16 both;

17 except that when the offense involves ten or more pet animals in  
18 any one instance [~~which~~], it is a class C felony."

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



1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 31, 2150.



**Report Title:**

Cruelty to Animals; Restraints; Penalties

**Description:**

Prohibits certain restraints and tethers that endanger or deny sustenance to a dog. Specifies penalties. (HB55 HD1)

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

