
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 and one of the highest rates found anywhere in the
4 world. The federal Endangered Species Act of 1973 and chapter
5 195D, Hawaii Revised Statutes, protect any species of aquatic
6 life, wildlife, and land plants and their habitats by listing
7 them as endangered or threatened to determine conservation
8 measures necessary for their continued ability to sustain
9 themselves successfully.

10 However, there are indigenous species that are not deemed
11 endangered or threatened under the Endangered Species Act of
12 1973 and 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 and



1 chapter 195D, Hawaii Revised Statutes. In light of the killing
2 of several albatrosses at Kaena point on Oahu in December 2015,
3 the legislature finds that it is necessary to increase the legal
4 protections for Hawaii's indigenous birds by including them
5 under the state animal cruelty statutes.

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

15 Restraining a dog in this manner for short periods of time
16 may be acceptable for purposes such as exercising, grooming,
17 training, or taking the dog outdoors. However, continual
18 restraint over a long period of time is cruel and inhumane and
19 often results in the dog becoming neurotic, anxious, or
20 aggressive, thus resulting in a greater danger to humans.
21 Restricting this practice will make communities safer by



1 reducing the number of dog attacks and dog bites by dogs that
2 have been inhumanely restrained for prolonged periods of time.

3 The purpose of this Act is to provide further protections
4 for indigenous birds and dogs by amending the offense of cruelty
5 to animals in the first degree to include indigenous birds and
6 cruelty to animals in the second degree to include the use on a
7 dog of certain types of restraints that are considered to be
8 cruel or inhumane.

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

12 "Indigenous bird" means any bird species living naturally
13 in Hawaii without having been brought to Hawaii by humans."

14 SECTION 3. Section 711-1108.5, 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 first degree if the person intentionally or knowingly:

19 (a) Tortures, mutilates, or poisons or causes the torture,
20 mutilation, or poisoning of any pet animal or equine



1 animal resulting in serious bodily injury or death of
2 the pet animal or equine animal; [~~or~~]

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

7 (c) Tortures, mutilates, or poisons, or assists another in
8 causing the torture, mutilation, or poisoning of two
9 or more indigenous birds."

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

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

16 SECTION 4. Section 711-1109, Hawaii Revised Statutes, is
17 amended by amending subsection (1) to read:

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



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



- 1 (e) Carries or causes to be carried, in or upon any
2 vehicle or other conveyance, any animal in a cruel or
3 inhumane manner;
- 4 (f) Confines or causes to be confined, in a kennel or
5 cage, any pet animal in a cruel or inhumane manner;
- 6 (g) Tethers, fastens, ties, or restrains a dog to a
7 doghouse, tree, fence, or any other stationary object
8 [by], or uses a trolley, pulley, cable, or running
9 line designed to attach a dog to two stationary
10 objects:
- 11 (i) If the dog is under the age of six months, unless the
12 dog is engaged in a supervised activity;
- 13 (ii) In a configuration that:
- 14 (A) Entangles or endangers the dog;
- 15 (B) Prevents necessary sustenance to the dog;
- 16 (C) Denies the dog access to water, shelter, shade,
17 or dry ground free of unsanitary conditions; or
- 18 (D) Leaves a dog restrained outdoors for more than
19 twenty-four consecutive hours;



1 (iii) If the tether is shorter than ten feet in length,
2 unless the dog is engaged in a supervised activity or
3 is being transported;

4 (iv) If the restraint is a tow or log chain or is
5 disproportionate to the size or weight of the dog; or

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

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

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

17 SECTION 6. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

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



S.B. NO. 700
S.D. 1
H.D. 1
PROPOSED

Report Title:

Animal Cruelty; Indigenous Birds; Dogs; Tethers; Restraints

Description:

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

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