

JAN 20 2017

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# A BILL FOR AN ACT

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RELATING TO ANIMALS.

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

1           SECTION 1. The legislature finds that the continual  
2 tethering or chaining of dogs is a cruel and inhumane practice  
3 that endangers dogs as well as people. Tethering or chaining  
4 refers to the practice of keeping a dog continually tied to a  
5 stationary object. A tether, chain, or other similar restraint  
6 significantly restricts a dog's movement and can become tangled  
7 or hooked on the dog's shelter structure or other objects, thus  
8 restricting the dog's movement even further and causing injury.  
9           While restraining a dog in this manner for short periods of  
10 time may be acceptable for purposes such as exercising,  
11 training, or taking the dog outdoors, continual restraint over a  
12 long period of time often results in the dog becoming neurotic,  
13 anxious, and aggressive. For this reason alone, allowing dogs  
14 to be continually tethered or chained poses a greater danger to  
15 people, whereas restricting this practice makes communities  
16 safer by reducing the number of dog attacks and dog bites.



1           The legislature further finds that the cruelty to animals  
2 offenses under section 711-1109(f) and (g), Hawaii Revised  
3 Statutes, respectively, make it a misdemeanor to confine a pet  
4 animal in a kennel or cage in a cruel or inhumane manner, or  
5 leave a dog unsupervised while tethered to a stationary object  
6 by means of a choke collar, pinch collar, or prong collar. The  
7 legislature believes, however, that additional and enhanced  
8 protections are needed to effectively prevent dog injuries and  
9 deaths caused by the improper use of tethers and other methods  
10 of restraint.

11           The purpose of this Act is to improve the health, safety,  
12 and welfare of dogs, and protect the public as well, by  
13 prohibiting tethers and certain other types of restraints that  
14 are known to endanger dogs or prevent dogs from receiving  
15 "necessary sustenance" as defined in section 711-1100, Hawaii  
16 Revised Statutes. It is the intent of the legislature that this  
17 Act not apply to situations where a dog is temporarily  
18 restrained on public property, such as outside a store or  
19 restaurant, nor to situations where dogs are temporarily  
20 restrained in order to comply with any state or county  
21 requirement.



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

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

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

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

11 (b) Deprives a pet animal of necessary sustenance or  
12 causes [~~such~~] that deprivation;

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

19 (d) Keeps, uses, or in any way is connected with or  
20 interested in the management of, or receives money for  
21 the admission of any person to, any place kept or used



1 for the purpose of fighting or baiting any bull, bear,  
2 cock, or other animal, and includes every person who  
3 encourages, aids, or assists therein, or who permits  
4 or suffers any place to be so kept or used;

5 (e) Carries or causes to be carried, in or upon any  
6 vehicle or other conveyance, any animal in a cruel or  
7 inhumane manner;

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

10 (g) Tethers, fastens, ties, or otherwise restrains a dog  
11 to a doghouse, tree, fence, or any other stationary  
12 object ~~[by]~~, or uses a trolley, pulley, cable, or  
13 running line designed to attach a dog to two  
14 stationary objects:

15 (i) By means of a choke collar, pinch collar, or  
16 prong collar;

17 (ii) In a manner that:

18 (A) Entangles or endangers a dog;

19 (B) Prevents a dog from receiving necessary  
20 sustenance; or



1                    (C) Leaves a dog restrained outdoors for more  
2                               than twenty-four consecutive hours;

3           (iii) If the dog is under the age of six months, unless  
4                               the dog is engaged in a supervised activity;

5           (iv) If the restraint is shorter than ten feet in  
6                               length, unless the dog is engaged in a supervised  
7                               activity;

8           (v) If the restraint is a tow or log chain or other  
9                               device not designed for restraining a dog; or

10          (vi) If the restraint weighs more than one-eighth of  
11                               the dog's body weight;

12                   provided that a person is not prohibited from using  
13                               [~~such restraints~~] a choke collar, pinch collar, or  
14                               prong collar when walking a dog with a hand-held leash  
15                               or while a dog is engaged in a supervised activity; or

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

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

19                   "(4) Cruelty to animals in the second degree is a  
20                   misdemeanor, provided that paragraph (1)(g) shall be punishable  
21                   in the following manner:



1        (a)    For the first offense, a fine of not less than \$100;

2                    and

3        (b)    For any subsequent offense, a fine of not less than

4                    \$200, imprisonment not exceeding six months,

5                    impoundment of the dog at the expense of the owner or

6                    person having custody of the dog pending compliance

7                    with this section, forfeiture of the dog, or any

8                    combination thereof;

9        except where the offense involves ten or more pet animals in any  
10       one instance which is a class C felony."

11        SECTION 3. This Act does not affect rights and duties that  
12        matured, penalties that were incurred, and proceedings that were  
13        begun before its effective date.

14        SECTION 4. Statutory material to be repealed is bracketed  
15        and stricken. New statutory material is underscored.

16        SECTION 5. This Act shall take effect on July 1, 2017.

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INTRODUCED BY:

*[Signature]*

*Kal Rhoad*

*Clarence K. Rishiker*

*Breene Hunt*

*[Signature]*

*[Signature]*

*Will Zuro*



# S.B. NO. 754

**Report Title:**

Cruelty to Animals; Dogs; Tethers and Other Restraints

**Description:**

Prohibits tethers and certain other types of restraints that are known to endanger dogs or prevent dogs from receiving necessary sustenance. 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.*

