
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 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



- 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, trolley with swivels, pulley
18 or cable or uses a running line, or a trolley lacking
19 swivels at each end that is designed to attach a dog
20 to two stationary objects in a configuration that



1 endangers the dog, including preventing the dog from
2 obtaining necessary sustenance; provided that:

3 (i) No dog under the age of six months shall be
4 tethered or restrained unless the dog is engaged
5 in an activity supervised by its owner or an
6 agent of its owner;

7 (ii) No dog shall be tethered or restrained by a tow
8 or log chain; and

9 (iii) No dog shall be tethered or restrained by means
10 of a choke collar, pinch collar, or prong
11 collar[; ~~provided that a person is not prohibited~~
12 ~~from using such restraints when walking a dog~~
13 ~~with a hand-held leash or while a]~~ unless the dog
14 is engaged in [a supervised] an activity
15 supervised by its owner or an agent of its owner;

16 or

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

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

20 "(4) Cruelty to animals in the second degree is a
21 misdemeanor, except ~~where~~ that if the offense involves ten or



1 more pet animals in any one instance [~~which~~], then cruelty to
2 animals in the second degree is a class C felony. In addition
3 to any penalty authorized for a person convicted of an offense
4 under this section, the court may assess fines, order
5 performance of community service, require mental health
6 counseling, or order attendance at educational classes
7 concerning animal abuse prevention."

8 SECTION 2. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.

Report Title:

Cruelty to Animals; Restraints; Penalties

Description:

Prohibits certain restraints and tethers that endanger a dog, including preventing the dog from obtaining, necessary sustenance. Authorizes the court to assess fines, order performance of community service, require mental health counseling, or order attendance at educational classes concerning animal abuse prevention in addition to other penalties. (HD1)

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