

JAN 22 2021

A BILL FOR AN ACT

RELATING TO ANIMAL CRUELTY.

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

1 SECTION 1. The purpose of this Act is to clarify section
2 711-1109, Hawaii Revised Statutes, with respect to tethering and
3 restraints. It is not the intent of the legislature to prohibit
4 all tethering, and the legislature acknowledges that it is
5 possible for individuals to humanely tether or restrain dogs.

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

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

9 "(1) A person commits the offense of cruelty to animals in
10 the second degree if the person intentionally, knowingly, or
11 recklessly:

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

16 (b) Deprives a pet animal of necessary sustenance or
17 causes ~~such~~ that deprivation;



- 1 (c) Mutilates, poisons, or kills without need any animal
2 other than insects, vermin, or other pests; provided
3 that the handling or extermination of any insect,
4 vermin, or other pest is conducted in accordance with
5 standard and acceptable pest control practices and all
6 applicable laws and regulations;
- 7 (d) Keeps, uses, or in any way is connected with or
8 interested in the management of, or receives money for
9 the admission of any person to, any place kept or used
10 for the purpose of fighting or baiting any bull, bear,
11 cock, or other animal, and includes every person who
12 encourages, aids, or assists therein, or who permits
13 or suffers any place to be so kept or used;
- 14 (e) Carries or causes to be carried, in or upon any
15 vehicle or other conveyance, any animal in a cruel or
16 inhumane manner;
- 17 (f) Confines or causes to be confined, in a kennel or
18 cage, any pet animal in a cruel or inhumane manner;
- 19 (g) Tethers, fastens, ties, or restrains a dog to a
20 doghouse, tree, fence, or any other stationary object
21 [by], or uses a trolley, trolley with swivels, pulley,



1 cable, or uses a running line, or a trolley lacking
2 swivels at each end that is designed to attach a dog
3 to two stationary objects in a configuration that
4 endangers the dog, including preventing the dog from
5 obtaining necessary sustenance, provided that:

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

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

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

19 or

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



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

2 "(4) Cruelty to animals in the second degree is a
3 misdemeanor, except [~~where~~] that if the offense involves ten or
4 more pet animals in any one instance [~~which~~], then cruelty to
5 animals in the second degree is a class C felony."

6 SECTION 3. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 4. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect upon its approval.

12

INTRODUCED BY: _____



S.B. NO. 545

Report Title:

Cruelty to Animals; Dogs; Restraints; Tethers; Penalties

Description:

Prohibits specified trolleys, trolleys with swivels, pulleys, cables, or running lines designed to attach a dog to two stationary objects in a configuration that endangers the dog, including by depriving the dog of sustenance. Prohibits tethering or restraining a dog under the age of six months unless the dog is engaged in an activity supervised by its owner or an agent of its owner. Prohibits tethering or restraining a dog with a tow or log chain. Prohibits tethering or restraining a dog with a choke collar, pinch collar, or prong collar unless the dog is engaged in an activity supervised by its owner or an agent of its owner.

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