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# 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 illegal animal  
2 fighting is directly associated with other criminal activities  
3 such as illegal gambling, illegal firearms possession, illegal  
4 drug distribution, endangerment of minors, and human violence,  
5 as evidenced by a double homicide that occurred at an illegal  
6 bird fighting operation in Maili, Oahu, in April of 2023. This  
7 incident was but one of a number of cases of human violence  
8 occurring at an illegal animal fight over the years. Further,  
9 Hawaii is one of only eight states that lacks a felony penalty  
10 for animal fights between birds and has no existing penalty for  
11 attending a fight or allowing a minor to attend a fight.  
12 Psychologists and criminologists have long determined that  
13 children exposed to human or animal violence, or who engage in  
14 animal cruelty, are more likely to escalate to violence against  
15 humans, threatening the overall community and public safety. In  
16 addition, birds used for fighting purposes are mutilated by  
17 having various body parts cut off and their natural spurs either



1 removed or sharpened, in preparation for a fight, in which even  
2 the winner of the fight often dies. Birds subject to such  
3 mutilations suffer unnecessary pain and are more prone to  
4 illness and disease, including zoonotic diseases that can be  
5 spread to humans and to other avian species including native  
6 birds and birds at agricultural facilities.

7 The purpose of this Act is to strengthen existing laws  
8 relating to the fighting of birds to more closely mirror those  
9 of existing state dogfighting laws, and to deter such illegal  
10 activity and its associated crimes, for the protection of human  
11 and animal health, welfare, and public safety.

12 SECTION 2. Chapter 711, Hawaii Revised Statutes, is  
13 amended by adding two new sections to be appropriately  
14 designated and to read as follows:

15 **"§711-A Cruelty to animals by fighting birds in the first**  
16 **degree.** (1) A person commits the offense of cruelty to animals  
17 by fighting birds in the first degree if the person:

18 (a) Knowingly:

19 (i) Causes, sponsors, arranges, or holds a fight  
20 between birds for entertainment or financial  
21 gain;



1           (ii) Owens, trains, transports, possesses, buys, sells,  
2           transfers, or equips any bird with the intent  
3           that the bird be engaged in a fight between  
4           birds; or

5           (iii) Allows any minor to be present at or attend a  
6           fight between birds; or

7           (b) Recklessly:

8           (i) Allows a fight between birds to occur on any  
9           property owned or controlled by the person; or

10          (ii) Allows any bird intended to be used for a fight  
11          between birds to be kept, trained on, or  
12          transported in any property owned or controlled  
13          by the person.

14          (2) For the purposes of this section, "fight between  
15 birds" means a bird or birds pitted against another bird or  
16 birds that results in injury to one or more of the birds or  
17 creates a substantial risk of causing injury to one or more of  
18 the birds.

19          (3) Except as provided in subsection (4), violation of  
20 this section shall be a class C felony and, in addition to any  
21 fines and imprisonment imposed under this section, any person



1 convicted under this section shall be prohibited from possessing  
2 or owning any birds for a period of at least five years.

3 (4) If the offense involves five or more birds, cruelty to  
4 animals by fighting birds in the first degree is a class B  
5 felony and, in addition to any fines and imprisonment imposed  
6 under this section, any person convicted under this section  
7 shall be prohibited from possessing or owning any birds for a  
8 period of at least five years.

9 (5) Multiple violations of this section which occur on the  
10 same day shall constitute a single offense.

11 (6) Any property, including any bird or birds involved in  
12 a violation of this section, used, or intended for use, in the  
13 commission of, attempt to commit, or conspiracy to commit an  
14 offense under this section, or that facilitated or assisted the  
15 activity, may be subject to forfeiture under chapter 712A, and  
16 subject to all costs associated with the care and housing of any  
17 live birds. For the purposes of this subsection, "property"  
18 shall have the same meaning as defined in section 712A-1.

19 (7) Whenever any bird involved in a violation of this  
20 section is so severely injured that there is no reasonable  
21 probability that its life or usefulness can be saved, the bird



1 may be immediately destroyed without creating any offense under  
2 this chapter.

3 (8) If there is any conflict between this section and  
4 section 711-1109, or any other provision of law, this section  
5 shall apply.

6 **§711-B Cruelty to animals by fighting birds in the second**  
7 **degree.** (1) A person commits the offense of cruelty to animals  
8 by fighting birds in the second degree if the person knowingly:

- 9 (a) Gambles on a fight between birds;
- 10 (b) Attends or pays to attend a fight between birds; or
- 11 (c) Possesses any device intended to enhance a bird's  
12 fighting ability.

13 (2) For the purposes of this section:  
14 "Device" means any object, including but not limited to a  
15 slasher, gaff, knife, or muff, that is designed to be attached  
16 in place of or to the natural spur of a bird.

17 "Fight between birds" shall have the same meaning as  
18 defined in section 711-A.

19 "Gambles" shall have the same meaning as "gambling" as  
20 defined in section 712-1220.



1       (3) Any person who violates this section shall be guilty  
2 of a petty misdemeanor; provided that:

3       (a) If the person has one prior conviction for the same  
4 offense in the preceding five-year period, the person  
5 shall be guilty of a misdemeanor; and

6       (b) If the person has two or more prior convictions for  
7 the same offense in the preceding five-year period,  
8 the person shall be subject to a class C felony.

9       (4) Multiple violations of this section which occur on the  
10 same day shall constitute a single offense."

11       SECTION 3. Section 711-1109, Hawaii Revised Statutes, is  
12 amended to amend subsection (1) to read as follows:

13       "(1) A person commits the offense of cruelty to animals in  
14 the second degree if the person intentionally, knowingly, or  
15 recklessly:

16       (a) Overdrives, overloads, tortures, torments, beats,  
17 causes substantial bodily injury to, or starves any  
18 animal, or causes the overdriving, overloading,  
19 torture, torment, beating, or starving of any animal;

20       (b) Deprives a pet animal of necessary sustenance or  
21 causes 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 [~~eeek~~] 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 or uses a trolley, trolley with swivels, pulley,



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

6 (h) Tethers or restrains a dog under the age of six months  
7 unless the dog is engaged in an activity supervised by  
8 its owner or an agent of its owner;

9 (i) Tethers or restrains a dog by a tow or log chain;

10 (j) Tethers or restrains by means of choke collar, pinch  
11 collar, or prong collar unless the dog is engaged in  
12 an activity supervised by its owner or an agent of its  
13 owner; or

14 (k) Assists another in the commission of any act specified  
15 in paragraphs (a) through (j)."

16 SECTION 4. In codifying the new sections added by section  
17 2 of this Act, the revisor of statutes shall substitute  
18 appropriate section numbers for the letters used in designating  
19 the new sections in this Act.



1 SECTION 5. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 6. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 7. This Act shall take effect on April 14, 2112.



**Report Title:**

Animal Cruelty; Penalties; Felony; Illegal Animal Fighting;  
Birds

**Description:**

Establishes the separate offense and applicable penalties  
relating to the fighting of birds in the first and second  
degrees. Takes effect 4/14/2112. (SD1)

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

