
A BILL FOR AN ACT

RELATING TO DANGEROUS DOGS.

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

1 SECTION 1. The legislature finds that Hawaii struggles
2 with the problem of loose dogs that behave aggressively. Some
3 of these dogs are feral; other dogs have owners who have failed
4 to control or train their dogs; and yet other dogs have been
5 abandoned. The legislature further finds that for dogs with
6 owners, these owners should clearly be held responsible for the
7 aggressive actions of their dogs that harm persons or other
8 animals.

9 Therefore, the purpose of this Act is to:

- 10 (1) Define what constitutes a dangerous dog; and
11 (2) Establish requirements and penalties for owners of
12 dangerous dogs.

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

16 **"PART . DANGEROUS DOGS**



1 **§711-A Definitions.** As used in this part, unless the
2 context clearly indicates or requires a different meaning:

3 "Animal control authority" means a county agency that
4 enforces animal control laws.

5 "Bite injury" means any contact between an animal's mouth
6 and teeth and the skin of a bite victim that causes visible
7 trauma, such as a puncture wound, laceration, or other piercing
8 of the skin.

9 "Bodily injury" has the same meaning as defined in section
10 707-700.

11 "Dangerous dog" means any dog that, without provocation,
12 causes a bite injury to a person or another animal. A dog's
13 breed shall not be considered in determining whether it is
14 dangerous.

15 "Escape-proof kennel" means a kennel:

16 (1) That allows a dog to stand normally and without
17 restriction, is at least two and one-half times the
18 length of the dog, and protects the dog from the
19 elements;

20 (2) Whose fencing or wall materials have no openings or
21 gaps that exceed two inches; and



1 (3) Whose gates, if any, are lockable and of such design
2 as to prevent the entry of children or the escape of
3 the dog.

4 "Intentionally" has the same meaning as set forth in
5 section 702-206(1).

6 "Knowingly" has the same meaning as set forth in section
7 702-206(2).

8 "Microchip" has the same meaning as defined in section
9 143-1.

10 "Negligently" has the same meaning as set forth in section
11 702-206(4).

12 "Officer" means any sheriff, deputy, and any member of a
13 police force and animal control officers of the several counties
14 of the State.

15 "Owner" means any person owning, harboring, or keeping a
16 dog; provided that, if the owner is a minor under the age of
17 eighteen years, the parents, guardian, or another person having
18 the care, custody, or control of the minor shall be rebuttably
19 presumed to be the owner.



1 The person whose current contact information is registered
2 with a microchip registration company shall be rebuttably
3 presumed to be the owner of the dog for purposes of this part.

4 "Provocation" means behavior that precipitates a bite
5 injury caused by a dog under the following circumstances:

- 6 (1) The dog was protecting or defending its owner or a
7 member of its owner's household from an attack or
8 assault;
- 9 (2) The person bitten was committing a crime or offense
10 while on the property of the owner of the dog;
- 11 (3) The person bitten was teasing, tormenting, abusing, or
12 assaulting the dog or at any time in the past had
13 teased, tormented, abused, or assaulted the dog;
- 14 (4) The dog was attacked or menaced by an animal, or the
15 animal was on the property of the owner of the dog;
- 16 (5) The dog was responding to pain or injury inflicted by
17 the bitten person or animal;
- 18 (6) The dog was protecting itself, its kennel, or its
19 offspring from the bitten person or animal; or



1 (7) The bitten person or animal was disturbing the dog's
2 natural functions, such as sleeping or eating, while
3 the dog was on its owner's property.

4 "Recklessly" has the same meaning as set forth in section
5 702-206(3).

6 "Substantial bodily injury" has the same meaning as defined
7 in section 707-700.

8 "Substantial injury to any animal" means physical injury to
9 an animal involving a broken bone, concussion, laceration
10 requiring multiple stitches, or tearing or rupture of an organ.

11 **§711-B Designation as dangerous dog; basis.** (a) An
12 officer may find and declare a dog to be a dangerous dog if the
13 officer has probable cause to believe that the dog falls within
14 the definition of "dangerous dog". The declaration shall be
15 based upon:

16 (1) The written complaint of a person who is willing to
17 testify that the dog has acted in a manner that causes
18 it to fall within the definition of "dangerous dog";

19 (2) Actions of the dog witnessed by an officer; or

20 (3) Other substantial evidence admissible in court.



1 (b) The declaration in subsection (a) shall be in writing
2 and shall be served by the officer upon the owner of the
3 dangerous dog, if known, using one of the following methods:

- 4 (1) Certified mail to the owner's last known address; or
- 5 (2) Personally.

6 (c) The owner of a dog declared to be a dangerous dog may
7 initiate a contested case with the declarant officer's
8 department or agency within thirty days following the service
9 date of the declaration.

10 **§711-C Legal requirements of owner.** (a) The owner of a
11 dog declared to be a dangerous dog shall:

- 12 (1) Provide the owner's name, address, and telephone
13 number to the animal control authority;
- 14 (2) Provide the location at which the dangerous dog is
15 currently kept, if the location is not the owner's
16 address, to the animal control authority;
- 17 (3) Promptly notify the animal control authority of:
 - 18 (A) Any changes in the ownership of the dangerous dog
19 or the location of the dangerous dog, along with
20 the names, addresses, and telephone numbers of



1 the new owners or the new address at which the
2 dangerous dog is located;

3 (B) Any further instances of an attack by the
4 dangerous dog upon a person or an animal;

5 (C) Any current or future claims made or legal
6 actions brought as a result of an attack by the
7 dangerous dog upon a person or an animal; or

8 (D) The death of the dangerous dog;

9 (4) Microchip the dangerous dog and register the owner's
10 microchip information pursuant to section 143-2.2;
11 provided that the microchip identification number of
12 the dangerous dog shall be provided to the animal
13 control authority;

14 (5) Ensure that the dangerous dog is under the control of
15 a person who is at least eighteen years of age, when
16 the dangerous dog is indoors at the owner's premises;

17 (6) Ensure that when the dangerous dog is outdoors on the
18 owner's premises and unattended, the dangerous dog is
19 confined to an escape-proof kennel and that the locks
20 of the kennel remain locked;



- 1 (7) Ensure that when the dangerous dog is outside on the
2 owner's premises and attended, the dangerous dog is
3 kept on a fixed and secure leash no longer than four
4 feet in length, under the control of a person at least
5 eighteen years of age, and kept within a fenced or
6 walled area from which it cannot escape;
- 7 (8) Ensure that when the dangerous dog is outdoors outside
8 the owner's premises, the dangerous dog shall be kept
9 on a fixed and secure leash no longer than four feet
10 in length, under the control of a person who is at
11 least eighteen years of age, and muzzled with a
12 properly fitted, basket muzzle that prevents the
13 dangerous dog from biting any person or animal but
14 does not cause injury to the dangerous dog or
15 interfere with its vision or respiration;
- 16 (9) Place a sign or signs provided by the animal control
17 authority on the owner's premises informing the public
18 of the presence and dangerousness of the dangerous
19 dog; and



1 (10) Neuter or spay the dangerous dog at the owner's
2 expense, unless the neutering or spaying of the
3 dangerous dog is medically contraindicated.

4 (b) The owner of a dangerous dog who keeps the dangerous
5 dog in a manner found to be in violation of this section commits
6 the offense of negligent failure to control a dangerous dog and
7 the dangerous dog shall be subject to seizure and impoundment
8 pursuant to this part if the owner is unable to immediately
9 secure the dangerous dog.

10 **§711-D Rescission of declaration.** (a) The owner of a
11 dangerous dog may apply to the animal control authority to have
12 the declaration rescinded after three years if all of the
13 following requirements have been met:

- 14 (1) The owner and dangerous dog have no subsequent
15 violations of this part;
- 16 (2) The owner has complied with all the provisions of this
17 part for a period of three years; and
- 18 (3) The owner provides proof to the animal control
19 authority of the dangerous dog's successful completion
20 of a behavior modification or management program



1 administered by an animal trainer or behaviorist
2 certified by a nationally recognized organization.

3 (b) If the animal control authority finds that the owner
4 and dangerous dog have complied with all of the requirements of
5 this section and the owner has provided sufficient evidence that
6 the dangerous dog's behavior has changed, the animal control
7 authority shall rescind the declaration.

8 **§711-E Negligent failure to control a dangerous dog;**

9 **penalties.** (a) An owner of a dangerous dog commits the offense
10 of negligent failure to control a dangerous dog if:

11 (1) A bite injury occurs due to the failure of an owner of
12 a dangerous dog to comply with the requirements of
13 this part; or

14 (2) An owner of a dangerous dog negligently fails to take
15 reasonable measures to prevent the dangerous dog from
16 causing a bite injury, without provocation, to a
17 person or another animal and the attack results in:

18 (A) The maiming or causing of serious injury to any
19 animal or the death of another animal;

20 (B) Bodily injury to a person other than the owner;

21 or



1 (C) Substantial bodily injury to or the death of a
2 person other than the owner.

3 (b) An offense under subsection (a)(1) or subsection
4 (a)(2)(A) or (B) is a misdemeanor and shall subject the owner of
5 the dangerous dog, without the possibility of suspension of the
6 sentence, to:

7 (1) A fine of no less than \$1,000 and no more than \$2,000;

8 (2) A term of imprisonment of up to six months, or in lieu
9 of imprisonment, a period of probation of no more than
10 one year;

11 (3) Restitution to any individual who has suffered bodily
12 injury or property damage as a result of an attack by
13 the dangerous dog if the individual suffers financial
14 losses or medical expenses due to the attack. As used
15 in this paragraph, "medical expenses" may include the
16 costs of necessary counseling or rehabilitative
17 services; and

18 (4) Payment of all expenses for the boarding and retention
19 of the dangerous dog if it is seized and impounded
20 pursuant to this part.



1 (c) Unless the dangerous dog has been or is ordered to be
2 humanely destroyed, the owner of the dangerous dog shall also be
3 required to:

4 (1) Meet all of the conditions imposed on an owner of a
5 dangerous dog pursuant to this part;

6 (2) Obtain liability insurance or post bond of no less
7 than \$50,000, or in a higher amount, if the court
8 finds that a higher amount is appropriate to cover
9 medical or veterinary costs, or both, resulting from
10 potential future actions of the dangerous dog; and

11 (3) Follow any other condition that the court deems
12 necessary to restrain or control the dangerous dog.

13 (d) An offense under subsection (a)(2)(C) shall be a class
14 C felony and shall subject the owner of a dangerous dog, without
15 the possibility of suspension of the sentence, to:

16 (1) A fine of no less than \$1,000 and no more than
17 \$10,000;

18 (2) A term of imprisonment of no less than one year and no
19 more than five years, pursuant to chapter 706; and

20 (3) Euthanasia of the dangerous dog.



1 **§711-F Impoundment of a dangerous dog.** (a) If there is
2 probable cause to believe that the dangerous dog poses an
3 imminent threat to a person or another animal, or if there is
4 probable cause to believe that there is a violation of section
5 711-C or 711-E, a law enforcement officer, after obtaining a
6 search warrant, or in any other manner authorized by law, may
7 enter the premises where the dangerous dog is located to seize
8 and impound the dog. If after reasonable effort, the owner or
9 person having custody of the dangerous dog cannot be found and
10 notified of the impoundment, an impoundment notice shall be
11 conspicuously posted on the premises and within seventy-two
12 hours after posting, the notice shall be sent by certified mail
13 to the address, if any, from which the dangerous dog was
14 removed.

15 A law enforcement officer shall not be liable for any
16 damage resulting from an entry under this subsection, unless the
17 damage was caused by acts beyond the scope of the officer's
18 authority or the officer's negligence, gross negligence, or
19 intentional misconduct.

20 (b) The owner of a dangerous dog that has been impounded
21 under this section may decline to surrender ownership of the



1 dangerous dog to the animal control authority by paying for
2 impoundment, care, and provision costs with the animal control
3 authority in an amount, determined by the animal control
4 authority, to be sufficient to provide for the dangerous dog's
5 care by the animal control authority for at least thirty days,
6 including the day on which the animal was taken into custody.

7 (c) If the owner of a dangerous dog that has been
8 impounded under this section cannot be located within five days
9 after the dangerous dog is impounded, ownership of the dangerous
10 dog shall be deemed relinquished.

11 (d) At the dangerous dog owner's request, impoundment
12 under this section may occur at the premises of a licensed
13 veterinarian or a commercial kennel of the dangerous dog owner's
14 choosing; provided that:

15 (1) The owner shall secure the private boarding placement
16 for the dangerous dog within five days after the
17 dangerous dog has been impounded by the animal control
18 authority; and

19 (2) All expenses for the boarding and care of the
20 dangerous dog shall be borne by the owner of the
21 dangerous dog.



1 (e) If the owner of the dangerous dog does not arrange for
2 private boarding placement, the following requirements shall
3 apply:

4 (1) The owner of the dangerous dog shall pay the animal
5 control authority within five days after the dangerous
6 dog is impounded; and

7 (2) At the end of the time for which expenses are covered
8 by an initial or any subsequent impoundment, care, and
9 provision payment:

10 (A) If the owner of the dangerous dog declines to
11 surrender ownership of the dangerous dog to the
12 animal control authority, the owner shall make an
13 additional payment to the animal control
14 authority at least five days before the
15 expiration of the previous payment; or

16 (B) If the owner of the dangerous dog has not made an
17 additional payment in a timely manner to the
18 animal control authority for impoundment, care,
19 and provision costs for the dangerous dog,
20 ownership of the dangerous dog shall be deemed
21 relinquished.



1 (f) A dangerous dog owner's failure to pay impoundment,
2 care, and provision costs for the dangerous dog pursuant to this
3 section may result in forfeiture of the dangerous dog owner's
4 right to contest those costs and any ownership rights to the
5 dangerous dog.

6 (g) Any dangerous dog that is unclaimed by its owner
7 within five days after the owner has been notified that the
8 dangerous dog is eligible for release from impoundment shall be
9 deemed abandoned, and ownership of the dangerous dog shall be
10 deemed relinquished.

11 (h) If an animal control authority that is impounding a
12 dangerous dog pursuant to this section determines that the
13 dangerous dog is too dangerous for its staff to safely provide
14 basic care, the dangerous dog may be euthanized by the animal
15 control authority.

16 (i) If a licensed veterinarian determines that an
17 impounded dangerous dog is:

18 (1) Experiencing extreme pain or suffering;

19 (2) Severely injured past recovery;

20 (3) Severely disabled past recovery; or

21 (4) Severely diseased past recovery,



1 the dangerous dog may be euthanized by the animal control
2 authority.

3 (j) An owner of a dangerous dog shall not sell or transfer
4 the ownership or physical custody of the dangerous dog before
5 the time period stated in the court summons, and the citation
6 shall notify the owner of this prohibition; provided that this
7 prohibition shall not apply when an owner transfers ownership of
8 the dangerous dog to an animal control authority.

9 (k) Any person who refuses to surrender a dangerous dog
10 that is subject to relinquishment pursuant to this section shall
11 be guilty of a petty misdemeanor.

12 If the owner of a dangerous dog seized and impounded
13 pursuant to this section fails to appear in court as required,
14 ownership of the dangerous dog shall be deemed relinquished, and
15 the court may order disposition of the dangerous dog as it deems
16 appropriate.

17 (l) Notwithstanding any relinquishment of ownership of the
18 dangerous dog, the owner shall remain responsible for all
19 expenses incurred in boarding, caring for, and providing for the
20 dangerous dog and any fees and penalties that may be imposed by
21 the court.



1 **§711-G Inspection.** Upon presentation of proper
2 credentials, any officer may enter at reasonable times any
3 building, structure, or premises in the State for the purpose of
4 determining and enforcing compliance with this part or of any
5 court order issued under this part; provided that the entry
6 shall be made in a manner that causes the least possible
7 inconvenience to the person in possession or occupying the
8 building, structure, or premises; provided further that a court
9 order authorizing the entry shall be obtained if entry is denied
10 or resisted.

11 **§711-H Exemption.** This part shall not apply to dogs owned
12 by any law enforcement agency and used in the performance of law
13 enforcement work.

14 **§711-I Civil action not precluded.** Nothing in this part
15 shall preclude any person injured by a dangerous dog from
16 bringing a civil action against the owner of the dangerous dog
17 pursuant to law."

18 SECTION 3. In codifying the new sections added by section
19 2 of this Act, the revisor of statutes shall substitute
20 appropriate section numbers for the letters used in designating
21 the new sections in this Act.



1 SECTION 4. 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 5. This Act shall take effect on April 14, 2112.



Report Title:

Owners of Dangerous Dogs; Requirements and Penalties

Description:

Establishes requirements and penalties for owners of dangerous dogs. Allows for impounding of dangerous dogs under certain conditions. 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.

