
A BILL FOR AN ACT

RELATING TO ANIMAL ENDANGERMENT.

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

1 SECTION 1. The legislature finds that every year, hundreds
2 of pet animals tragically lose their lives when their owners
3 leave them alone in parked vehicles in extreme temperatures.
4 Many pet owners are unaware that even on a temperate day, the
5 inside of a parked vehicle can reach extreme temperatures within
6 minutes. According to the American Veterinary Medical
7 Association, the temperature inside a vehicle with all the
8 windows closed can hit eighty-nine degrees in just ten minutes.
9 On a hot day, the temperature inside a closed vehicle can rise
10 as high as one hundred fourteen degrees in the same amount of
11 time. While humans can cool themselves by relying on an
12 extensive system of sweat glands and evaporation, pet animals
13 have a harder time staying cool, leaving them extremely
14 vulnerable to heat stroke. Therefore, leaving pet animals in
15 vehicles can cause severe dehydration and even death.

16 The purpose of this Act is to:



- 1 (1) Prohibit intentionally leaving or confining pet
- 2 animals in unattended vehicles; and
- 3 (2) Allow certain public officials and private citizens to
- 4 rescue pet animals in unattended vehicles if certain
- 5 conditions are met.

6 SECTION 2. Chapter 708, Hawaii Revised Statutes, is
7 amended by adding a new section to be appropriately designated
8 and to read as follows:

9 "§708- Unattended vehicle; pet animal; removal or
10 retrieval; immunity; criminal liability. (a) An animal control
11 officer, law enforcement officer, or firefighter who removes or
12 otherwise retrieves a pet animal from an unattended vehicle
13 pursuant to sections 711- (b) and (c), and the agency or county
14 that employs the officer or firefighter, shall be immune from
15 criminal liability that might otherwise result from the removal
16 or retrieval.

17 (b) A person who removes or otherwise retrieves an animal
18 from an unattended vehicle pursuant to section 711- (e) shall
19 be immune from criminal liability that might otherwise result
20 from the removal or retrieval.



1 SECTION 3. Chapter 711, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§711- Confinement of a pet animal in an unattended
5 vehicle; permitted protection and rescue of an animal; penalty.

6 (a) A person shall not intentionally leave or confine a pet
7 animal in an unattended vehicle under conditions that endanger
8 the health, safety, or well-being of the pet animal due to heat;
9 cold; lack of adequate ventilation; lack of food or water; or
10 other circumstances that could reasonably be expected to cause
11 suffering, disability, or death to the pet animal.

12 (b) After making reasonable efforts to locate the
13 unattended vehicle's owner or operator, an animal control
14 officer, law enforcement officer, or firefighter may enter a
15 vehicle by any reasonable means to protect the health, safety,
16 or well-being of a pet animal that is endangered by being left
17 or confined in an unattended vehicle. A law enforcement
18 officer, animal control officer, or firefighter may enter the
19 unattended vehicle for the sole purpose of removing or otherwise
20 retrieving the pet animal and shall not search the vehicle or



1 seize items found in the vehicle, unless otherwise permitted by
2 law.

3 (c) An animal control officer, law enforcement officer, or
4 firefighter who removes or otherwise retrieves a pet animal
5 under this section shall:

6 (1) Leave written notice in a secure and conspicuous
7 location or in the vehicle bearing the officer's or
8 firefighter's name and title and the address of the
9 location at which the pet animal may be retrieved; and
10 (2) Deliver the pet animal to a veterinary hospital or
11 animal clinic for a health screening and treatment.

12 (d) An animal control officer, law enforcement officer, or
13 firefighter who removes or otherwise retrieves a pet animal from
14 an unattended vehicle pursuant to subsections (b) and (c), and
15 the agency or county that employs the officer or firefighter,
16 shall be immune from civil liability that might otherwise result
17 from the removal or retrieval.

18 (e) After making reasonable efforts to locate an
19 unattended vehicle's owner or operator, a person other than an
20 animal control officer, law enforcement officer, or firefighter
21 may enter an unattended vehicle to remove or otherwise retrieve



1 a pet animal to protect the health, safety, or well-being of the
2 pet animal; provided that the person:

3 (1) Determines that the unattended vehicle is locked and
4 there are no reasonable means of egress for the pet
5 animal from the vehicle;

6 (2) Has a good faith and reasonable belief, based upon
7 known circumstances, that entry into the unattended
8 vehicle is reasonably necessary to prevent imminent
9 danger or harm to the pet animal;

10 (3) Calls 911 to coordinate the removal or retrieval of
11 the pet animal with law enforcement, animal control,
12 or fire, or, if unable to reach those authorities
13 through a 911 call, otherwise makes reasonable
14 attempts to contact those authorities;

15 (4) Shall not use more force than reasonably necessary to
16 enter the unattended vehicle and remove or otherwise
17 retrieve the pet animal; and

18 (5) Remains with the pet animal in a safe location in
19 reasonable proximity to the unattended vehicle until
20 law enforcement or another first responder arrives.



1 (f) A person who removes or otherwise retrieves an animal
2 from an unattended vehicle pursuant to subsection (e) shall be
3 immune from civil liability that might otherwise result from the
4 removal or retrieval.

5 (g) The owner of the pet animal may retrieve the pet
6 animal that was removed or otherwise retrieved from the
7 unattended vehicle pursuant to this section only after payment
8 of all charges that have accrued for the maintenance, care,
9 medical treatment, and impoundment of the animal.

10 (h) A violation of subsection (a) shall constitute a
11 misdemeanor under section 711-1109(1)(2).

12 (i) As used in this section:

13 "Cold" means a low temperature, inside or outside a
14 vehicle, that could endanger a pet animal's health, safety, or
15 well-being.

16 "Heat" means a high temperature, inside or outside a
17 vehicle, that could endanger a pet animal's health, safety, or
18 well-being.

19 "Pet animal" shall have the same meaning as in section 711-
20 1100.



1 "Vehicle" means a car, truck, camper, or other form of
2 transportation in which a pet animal can be transported."

3 SECTION 4. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 5. New statutory material is underscored.

7 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Animal Endangerment; Pet Animals; Unattended Vehicles;
Confinement; Immunity

Description:

Prohibits intentionally leaving or confining pet animals in a vehicle under conditions that endanger their health, safety, or well-being. Permits law enforcement officers, animal control officers, and firefighters to enter an unattended vehicle to protect the health, safety, or well-being of a pet animal that is endangered by being left or confined in an unattended vehicle. Allows private citizens to rescue a pet animal that has been left in an unattended vehicle under certain circumstances. (SD1)

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