

JAN 19 2024

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 prohibit intentionally
17 leaving or confining pet animals in unattended vehicles and to



1 allow certain public officials and private citizens to rescue
2 pet animals in unattended vehicles if certain conditions are
3 met.

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

7 "§711- _____ **Confinement of a pet animal in an unattended**
8 **vehicle; permitted protection and rescue of an animal; penalty.**

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

16 (b) A person shall not be deemed to have violated this
17 section if the person releases or makes a reasonable attempt to
18 release, such as by contacting an animal control officer, law
19 enforcement officer, or firefighter, the pet animal from the
20 vehicle after accidentally leaving the pet animal in the
21 vehicle.



1 (c) After making reasonable efforts to locate the
2 unattended vehicle's owner or operator, an animal control
3 officer, law enforcement officer, or firefighter may enter a
4 vehicle by any reasonable means to protect the health, safety,
5 or well-being of a pet animal that is endangered by being left
6 or confined in an unattended vehicle. A law enforcement
7 officer, animal control officer, or firefighter may enter the
8 unattended vehicle for the sole purpose of removing or otherwise
9 retrieving the pet animal and shall not search the vehicle or
10 seize items found in the vehicle, unless otherwise permitted by
11 law.

12 (d) An animal control officer, law enforcement officer, or
13 firefighter who removes or otherwise retrieves a pet animal
14 under this section shall:

15 (1) Leave written notice in a secure and conspicuous
16 location or in the vehicle bearing the officer's or
17 firefighter's name and title and the address of the
18 location at which the pet animal may be retrieved; and

19 (2) Deliver the pet animal to a veterinary hospital or
20 animal clinic for a health screening and treatment.



1 (e) An animal control officer, law enforcement officer, or
2 firefighter who removes or otherwise retrieves a pet animal from
3 an unattended vehicle pursuant to this section, and the agency
4 or county that employs the officer or firefighter, shall be
5 immune from criminal or civil liability that might otherwise
6 result from the removal or retrieval.

7 (f) After making reasonable efforts to locate an
8 unattended vehicle's owner or operator, a person other than an
9 animal control officer, law enforcement officer, or firefighter
10 may enter an unattended vehicle to remove or otherwise retrieve
11 a pet animal to protect the health, safety, or well-being of the
12 pet animal; provided that the person:

13 (1) Determines that the unattended vehicle is locked and
14 there are no reasonable means of egress for the pet
15 animal from the vehicle;

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

20 (3) Attempts to contact law enforcement who can
21 immediately act to remove or otherwise retrieve the



1 pet animal or contacts 911 before entering the
2 unattended vehicle;

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

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

9 (g) A person who removes or otherwise retrieves an animal
10 from an unattended vehicle pursuant to subsection (f) shall be
11 immune from criminal or civil liability that might otherwise
12 result from the removal or retrieval.

13 (h) The owner of the pet animal may retrieve the pet
14 animal that was removed or otherwise retrieved from the
15 unattended vehicle pursuant to this section only after payment
16 of all charges that have accrued for the maintenance, care,
17 medical treatment, and impoundment of the animal.

18 (i) A violation of subsection (a) shall be punishable by a
19 fine of \$500 for each offense.

20 (j) As used in this section:



1 "Extreme cold" means a low temperature, inside or outside a
2 vehicle, that could endanger a pet animal's health, safety, or
3 well-being.

4 "Extreme heat" means a high temperature, inside or outside
5 a vehicle, that could endanger a pet animal's health, safety, or
6 well-being.

7 "Person" means an individual, partnership, corporation,
8 association, governmental entity, or other legal entity.

9 "Pet animal" shall have the same meaning as in section 711-
10 1100.

11 "Unattended vehicle" means a vehicle that is out of sight
12 of the vehicle owner or operator.

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

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

18 SECTION 4. New statutory material is underscored.

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



S.B. NO. 2561

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INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'C. L. ...', written over a horizontal line.

S.B. NO. 2561

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.

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

