

JAN 19 2024

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, and
7 this was but one of a number of cases of human violence
8 occurring at an illegal animal fight over the years. Further,
9 Hawai'i 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 in
17 preparation for a fight by having various body parts cut off and



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

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

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, with the intent that the encounter will result in injury
17 to one or more of the birds.

18 (3) Violation of this section shall be a class C felony
19 and, in addition to any fines and imprisonment imposed under
20 this section, any person convicted under this section shall be



1 prohibited from possessing or owning any birds for a period of
2 at least five years.

3 (4) Each violation of this section, including each bird
4 involved in a violation of this section, shall constitute a
5 separate offense.

6 (5) Any property, including any bird or birds involved in
7 a violation of this section, used, or intended for use in the
8 commission of, attempt to commit, or conspiracy to commit an
9 offense under this section, or that facilitated or assisted the
10 activity, may be subject to forfeiture under chapter 712A, and
11 subject to all costs associated with the care and housing of any
12 live birds.

13 (6) Whenever any bird involved in a violation of this
14 section is so severely injured that there is no reasonable
15 probability that its life or usefulness can be saved, the bird
16 may be immediately destroyed without creating any offense under
17 this chapter.

18 §711- Cruelty to animals by fighting birds in the second
19 degree. (1) A person commits the offense of cruelty to animals
20 by fighting birds in the second degree if the person knowingly:

21 (a) Gambles on a fight between birds;



1 (b) Attends or pays to attend a fight between birds; or

2 (c) Possesses any device intended to enhance a bird's
3 fighting ability.

4 (2) For the purposes of this section:

5 "Device" means any object, including but not limited to a
6 slasher, gaff, knife, or muff, that is designed to be attached
7 in place of or to the natural spur of a bird.

8 "Fight between birds" means a bird or birds pitted against
9 another bird or birds with the intent that the encounter will
10 result in injury to one or more of the birds.

11 "Gambles" shall have the same meaning as gambling in
12 section 712-1220.

13 (3) Any person who violates this section shall be subject
14 to a fine of not less than \$1,000 or imprisoned not more than
15 thirty days, or both.

16 (4) If the person has one prior conviction for the same
17 offense in the preceding five-year period, the person shall be
18 subject to a fine of not less than \$2,000 or imprisoned not more
19 than one year, or both.



1 (5) If the person has two or more prior convictions for
2 the same offense in the preceding five-year period, the person
3 shall be subject to a class C felony.

4 (6) Each violation of this section, including each bird
5 and each device used in violation of this section, shall
6 constitute a separate offense."

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

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 that deprivation;

18 (c) Mutilates, poisons, or kills without need any animal
19 other than insects, vermin, or other pests; provided
20 that the handling or extermination of any insect,
21 vermin, or other pest is conducted in accordance with



1 standard and acceptable pest control practices and all
2 applicable laws and regulations;

3 (d) Keeps, uses, or in any way is connected with or
4 interested in the management of, or receives money for
5 the admission of any person to, any place kept or used
6 for the purpose of fighting or baiting any bull, bear,
7 [~~coek,~~] or other animal, and includes every person who
8 encourages, aids, or assists therein, or who permits
9 or suffers any places to be so kept or used;

10 (e) Carries or causes to be carried, in or upon any
11 vehicle or other conveyance, any animal in a cruel or
12 inhumane manner;

13 (f) Confines or causes to be confined, in a kennel or
14 cage, any pet animal in a cruel or inhumane manner;

15 (g) Tethers, fastens, ties, or restrains a dog to a
16 doghouse, tree, fence, or any other stationary object,
17 or uses a trolley, trolley with swivels, pulley,
18 cable, running line, or trolley lacking swivels at
19 each end that is designed to attach a dog to two
20 stationary objects in a configuration that endangers



1 the dog, including preventing the dog from obtaining
2 necessary sustenance;

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

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

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

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

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

16 SECTION 5. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

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

19
INTRODUCED BY: *Kal Rhoad*



S.B. NO. 2684

Report Title:

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

Description:

Creates penalties relating to the fighting of birds.

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