



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

S.B. NO. 2561, S.D. 1, RELATING TO ANIMAL ENDANGERMENT.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Wednesday, February 28, 2024 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 016 and Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Elyse C.N. Oyama,
Deputy Attorney General, at (808) 586-1160)

Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments on this bill.

This bill adds a new section to chapter 708, Hawaii Revised Statutes (HRS), to provide immunity from criminal liability to public officials and individuals seeking to retrieve pet animals from unattended vehicles. The bill also adds a new section to chapter 711, HRS, to prohibit individuals from leaving pet animals in unattended vehicles under certain circumstances. The proposed offense would be a misdemeanor "under section 711-1109(1)(2) [sic]." Page 6, line 11.

The Department recognizes that the focus of the bill is the health, safety, and well-being of pet animals left unattended in vehicles under unsafe conditions. However, we note that the current offense of cruelty to animals in the second degree under section 711-1109(1)(e), HRS, could already be used in these types of circumstances to prosecute the vehicle's owner or operator. Section 711-1109(1)(e), HRS, provides:

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

* * *

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

Section 711-1109(1)(e), HRS, contains broader wording to address a variety of circumstances that may result in harm to an animal. It also includes the states of mind of “intentionally, knowingly, or recklessly,” whereas the proposed new section in chapter 711 would be limited to “intentionally,” as stated on page 3, line 6. Lastly, section 711-1109(1)(e) is not limited to the protection of “pet animals,” but rather aims to protect “every living creature, except a human being.” Section 711-1100, HRS (defining “animal.”)

For the above reasons, we recommend deleting the proposed offense set forth in section 3 of the bill as the proposed section 711- (a), HRS, on page 3, lines 6-11. We also suggest deleting the proposed section 711- (h), HRS, the corresponding penalty provision, in section 3 on page 6, lines 10-11. Additionally, we suggest moving all of the procedures and protections for an animal control officer, law enforcement officer, firefighter, or other person who removes an animal from a vehicle set forth in section 3 as the proposed section 711- (b) through (g), HRS (page 3, line 12, through page 6, lines 9), to section 2 of the bill, within the proposed new section under chapter 708, HRS.

Thank you for the opportunity to provide comments.



Hawaiian Humane Society
People for animals. Animals for people.

2700 Waiialae Avenue Honolulu, Hawaii 96826
808.356.2200 • HawaiianHumane.org

Date: Feb. 26, 2024

To: Chair Sen. Karl Rhoads
Vice Chair Sen. Mike Gabbard
and Members of the Committee on Judiciary

Submitted By: Stephanie Kendrick, Director of Community Engagement
Hawaiian Humane Society, 808-356-2217

RE: Testimony with comments on SB 2561, SD1:
Relating to Animal Endangerment
Wednesday, Feb. 28, 2024, 10:00 a.m., Room 016 & Videoconference

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

The Hawaiian Humane Society appreciates the opportunity to offer comments on Senate Bill 2561, SD1, which 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; and allows private citizens to rescue a pet animal that has been left in an unattended vehicle under certain circumstances.

The Hawaiian Humane Society is deputized to enforce animal laws for the City and County of Honolulu. We are also a member of the Hawaii Animal Welfare Association, which represents the animal service providers across the state. Hawaiian Humane, its colleagues in the other counties and the county police departments take these calls very seriously. As the bill points out, animals left in cars with no air conditioning, ventilation or access to water can quickly suffer from overheating.

While local law enforcement agencies operate on the understanding that they already have the authority to act in these cases without legal repercussions, we appreciate this measure's intent to clarify that fact. Mahalo for the opportunity to offer comments on SB 2561.

TESTIMONY OF EVAN OUE ON BEHALF OF THE HAWAII ASSOCIATION FOR JUSTICE (HAJ) WITH COMMENTS ON SB 2561 SD1

Date: Wednesday, February 28, 2024

Time: 10:00 a.m.

My name is Evan Oue and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) with **COMMENTS** on SB 2561 SD1, Relating to Animal Endangerment. While HAJ appreciates the intent of the measure to ensure animal safety, however, we have **serious concerns with SB 2561 SD1** in its current form as it grants broad blanket immunity from any civil damages arising from saving an unattended animal in a hot vehicle.

Specifically, HAJ is primarily concerned with the broad language of subsection (e) which provides blanket immunity for animal control officers, police officers and firefighters when entering into a vehicle without first meeting any criteria similar to subsection (f).

Additionally, HAJ is concerned with the immunity provided for in subsection (g) which allows private citizens to enter a vehicle to rescue an animal if they comply with subsection (f).

Hawaii law requires that all first responders, such as ambulance EMTs, police, firefighters, emergency room doctors and nurses, and others, **perform their jobs with reasonable care under the circumstances**. While we understand the intent of the measure, there is no justification for condoning negligence for animal control officers, police officers and firefighters in the performance of their duties.

HAJ understands the need for ensuring the safety of an unattended animal, however, animal control officers, police officers and firefighters should not be granted complete immunity from civil liability. The standard of care including performance of their jobs with reasonable care under circumstances should be upheld.

Accordingly, HAJ respectfully recommends adding the following amendment to the end of paragraph (e) on page 4 and paragraph (g) on page 6 to read: “provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss or injury caused by negligent, intentional, willful or wanton conduct of that person.”

Thank you for allowing us to testify regarding this measure. Please feel free to contact us should you have any questions or desire additional information.

SB-2561-SD-1

Submitted on: 2/23/2024 7:03:08 AM

Testimony for JDC on 2/28/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Marian Hussenbux	Testifying for Animal Interfaith Alliance in Britain	Support	Written Testimony Only

Comments:

SB2561 Relating to Animal Endangerment, prohibits intentionally leaving or confining companion 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 an animal who is endangered by being left or confined in an unattended vehicle; and allows private citizens to rescue an animal who has been left in an unattended vehicle under certain circumstances.

With Hawaiian Humane, we support the intent of the measure to clarify the rights of law enforcement in these cases.



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February 28th, 2024

RE: Memorandum of Support on SB 2561 SD1
Relating to animal endangerment

Dear Chair Rhoads, Vice Chair Gabbard, and honorable members of the Senate Committee on Judiciary,

The Animal Legal Defense Fund, the nation's preeminent legal advocacy organization for animals, and its hundreds of members in Hawai'i, strongly support the enactment of SB 2561 SD1. This bill aims to make leaving an animal unattended in a vehicle in dangerous conditions a misdemeanor and limits civil and criminal liability to Good Samaritans who rescue domestic animals in distress from motor vehicles after taking reasonable steps.

The Animal Legal Defense Fund supports "Good Samaritan" laws across the country. Although public awareness has been on the rise about the dangers of leaving children or animals in hot cars as a result of media coverage and outreach campaigns by many groups, including the Animal Legal Defense Fund, too many people remain unaware of the potential risk, as evidenced by the number of animals who still die in hot vehicles every year. For example, although it has been shown to have little effect on the interior temperature of a vehicle, many people still believe leaving windows open on a warm day is sufficiently protective, or do not realize how quickly temperatures can soar to life-threatening levels inside a car even when the outside temperature is as low as 70 degrees. Even on demonstrably hot days, some people still do not realize the dangers of leaving an animal inside a vehicle even when just running a "quick errand."

Dogs and other companion animals are particularly vulnerable to heatstroke because they cannot cool themselves like humans and have a harder time maintaining a comfortable body temperature. And Hawai'i is a state that experiences hotter temperatures than most year-round. Having laws in place to protect citizens from liability in these cases is an important step toward empowering people to act when they see an animal or child in distress. In addition, in order to avoid liability, the Good Samaritan will have had to act in accordance with the commonsense steps outlined in the bill to ensure they have tried all other measures before breaking the window.

Further, there has been no evidence that the passage of these kinds of bills would result in a rash of car window smashing across the state. This bill protects the average constituent who wants to do the right thing, and probably would not stand idly by while a dog is in distress anyway despite the current absence of this law. This bill would simply protect them under the outlined limited circumstances. By passing this bill, Hawai'i would join 14 other states in helping save animals from unnecessary deaths.

For these reasons, the Animal Legal Defense Fund strongly supports the enactment of SB 2561 SD1 and respectfully requests that it be passed by this committee.

Sincerely,

Lindsay Vierheilig
Legislative Affairs Manager
Animal Legal Defense Fund
lvierheilig@aldf.org

SB-2561-SD-1

Submitted on: 2/20/2024 7:24:23 PM

Testimony for JDC on 2/28/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Scott Kidd	Individual	Support	Written Testimony Only

Comments:

I support this measure

SB-2561-SD-1

Submitted on: 2/22/2024 5:26:00 PM

Testimony for JDC on 2/28/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Natalie Graham-Wood	Individual	Support	Written Testimony Only

Comments:

I am in support of SB2561, public workers and private citizens should be able to rescue pets confined to vehicles in dangerous conditions. I live at Sunset Beach, Oahu.

SB-2561-SD-1

Submitted on: 2/23/2024 5:18:13 AM

Testimony for JDC on 2/28/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Bonnie Gollero	Individual	Support	Written Testimony Only

Comments:

It is really difficult to hear a dog howling in distress and not be able to intervene. The police can not do anything either. This bill would rectify this. I am in strong support.

SB-2561-SD-1

Submitted on: 2/23/2024 9:14:35 PM

Testimony for JDC on 2/28/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Stephanie McLaughlin	Individual	Support	Written Testimony Only

Comments:

Please support this important bill which will help animals who suffer and die when they are left unattended in a car by thoughtless owners.

SB-2561-SD-1

Submitted on: 2/24/2024 7:43:44 AM

Testimony for JDC on 2/28/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Melanie Kim	Individual	Support	Written Testimony Only

Comments:

Please pass this bill. All too often, animals are left unattended in vehicles in weather that can turn the vehicles into death traps, Leading to animals being dehydrated, sick and even from dying from the effects of heat, lack of oxygen or harm from auto equipment as they try to free themselves from this hellish environment. This bill will support law enforcement oversight.

SB-2561-SD-1

Submitted on: 2/24/2024 12:33:01 PM

Testimony for JDC on 2/28/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Carole R. Richelieu	Individual	Support	Written Testimony Only

Comments:

support the intent of the measure to clarify the rights of law enforcement in these cases

SB-2561-SD-1

Submitted on: 2/25/2024 4:43:27 AM

Testimony for JDC on 2/28/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer Chiwa	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Senator Rhoads, Vice Chair Senator Gabbard and Members of the Committee on Judiciary.

Please support SB 2561 SD 1 which prohibits leaving pets in situations where their lives or well being are being jeopardized, and protects law enforcement, firefighters and private individuals from liability when attempting to rescue pets.

Please consider striking 'intentionally' from page 2, line 1 and from page 3, line 6 of this bill. Intention should not have to be proven and is irrelevant. It's wrong to leave pets in endangerment whether intentional or not.

Again, please support SB 2561 SD 1.

Mahalo.

Jennifer Chiwa

Makiki

SB-2561-SD-1

Submitted on: 2/25/2024 11:41:44 AM

Testimony for JDC on 2/28/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sandie Wong	Individual	Support	Written Testimony Only

Comments:

I strongly support SB2561,SD 1 and ask that you pass it out.

SB-2561-SD-1

Submitted on: 2/25/2024 3:36:47 PM

Testimony for JDC on 2/28/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Support	Written Testimony Only

Comments:

I support this bill. Leaving animals in a vehicle, thereby endangering, is no less heinous than leaving a child in the same vehicle.

SB-2561-SD-1

Submitted on: 2/26/2024 10:26:22 AM

Testimony for JDC on 2/28/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jane E Arnold	Individual	Support	Written Testimony Only

Comments:

Please support SB25621. Thank you.

Jane E Arnold

1763 Iwi Way, Apt D

Honolulu HI 96816

SB-2561-SD-1

Submitted on: 2/26/2024 11:10:54 AM

Testimony for JDC on 2/28/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Taurie Kinoshita	Individual	Support	Written Testimony Only

Comments:

To the Honorable Committee,

I am writing in extremely strong support of SB 2561 SD1. Animals should never be intentionally left or confined in a car, or under conditions that could harm their health. Law enforcement officers, animal control officers, and firefighters should be allowed to enter unattended vehicles to protect the health and safety of a pet that is being endangered by being left or confined unattended.

Furthermore, Private citizens should not be prevented or penalized from rescuing a pet animal that has been left unattended in cars.

Please pass SB2561 SD1 and help ensure all animals have the right to be rescued from danger. Thank you for your consideration.

Sincerely,

Taurie Kinoshita

taurie@hawaii.edu

SB-2561-SD-1

Submitted on: 2/26/2024 2:57:36 PM

Testimony for JDC on 2/28/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Renee Rabb	Individual	Support	Written Testimony Only

Comments:

Dear Chair Rhodes, Vice-Chair Gabbard, and Members:

Thank you for the opportunity to testify in support of SB2561 by Senator Lee which prohibits intentionally leaving pet animals in vehicles in dangerous weather conditions. It also lets people enter the vehicles to rescue the pet. We see animals in danger more frequently than we would suppose because people do not often realize how hot a closed car can become.

Please support this bill to protect animals.

Renee Rabb

Hawaiian Paradise Park

Keaau, HI 96749

Dated: February 27, 2024
To: Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Honorable Members of the Committee
Submitted By: Stacey Noelani Spirz I (808) 384-5696 | sspirz@gmail.com
Testimony on behalf of self | Mō'ili'ili
RE: **Testimony in support of SB2561 SD1:
RELATING TO ANIMAL ENDANGERMENT.**
Date of Hearing: Wednesday, Feb. 28, 2024, 10:00 a.m., Conference Room 016

Aloha,

I am writing to express my **support** for SB2561 SD1. This bill is a crucial step in protecting the welfare of our beloved pet animals and ensuring their safety and well-being.

Leaving pets unattended in vehicles under certain conditions poses significant risks to their health and even their lives. Extreme temperatures inside vehicles can escalate rapidly, leading to heatstroke or dehydration here in Hawai'i. Additionally, confinement in a vehicle, even with some ventilation can cause distress and anxiety for animals, leading to further health complications.

SB2561 SD1 addresses this critical issue by prohibiting the intentional leaving or confining of pet animals in vehicles under conditions that endanger their health, safety, or well-being. By establishing clear guidelines and consequences for such actions, this bill can hopefully finally help people understand the risks of leaving your furry companions in their car.

Furthermore, granting authority to law enforcement officers, animal control officers, and firefighters to intervene when they encounter an animal in distress inside a vehicle is essential for prompt and effective action. The professionals are often the first responders in such situations and should have the necessary legal tools to safeguard the welfare of animals.

Moreover, allowing Good Samaritans to rescue a pet animal from an unattended vehicle under certain circumstances empowers individuals to take action when they encounter an animal in imminent danger. This provision not only promotes accountability but also encourages community involvement in ensuring the well-being of animals.

In conclusion, SB2561 SD1 is a vital piece of legislation that demonstrates our commitment to protecting the welfare of pet animals and preventing unnecessary suffering. Let's align with the 31 states that have already enacted legislation against leaving animals in vehicles under perilous conditions and/or to extend protection to Good Samaritans (since we people in Hawai'i have the spirit of aloha). I respectfully urge you to support this bill and ensure its swift passage for the betterment of our community and our furry companions.

Mahalo for your time.

SB-2561-SD-1

Submitted on: 2/27/2024 9:50:20 PM

Testimony for JDC on 2/28/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tiffany Kim	Individual	Support	Written Testimony Only

Comments:

In strong support of this bill