



**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. 2692, RELATING TO DANGEROUS DOGS.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, February 27, 2024 **TIME:** 9:32 a.m.

LOCATION: State Capitol, Room 016 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Kelcie K. Nagata or Bryan C. Yee, Deputy Attorneys General

Chair Rhoads and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purposes of this bill are to: (1) define what constitutes a dangerous dog; and (2) establish regulations and penalties for owners of dangerous dogs. The bill proposes to add a new part to chapter 142, Hawaii Revised Statutes (HRS), to authorize officers to designate, seize, and impound dangerous dogs.

As written, this bill establishes a process by which officers can declare a dog to be a "dangerous dog" and provide notice to dog owners of that declaration (on page 5, lines 7-21). It also establishes a process that allows for the seizure, impoundment, and possible relinquishment of a "dangerous dog" (on page 12, line 6, to page 17, line 6). However, the bill does not provide dog owners with a method to contest or appeal the declaration, seizure, or impoundment of their dog, beyond an application to the animal control authority to rescind a declaration after three years. See page 8, line 16 to page 9, line 12. Without those methods, the bill may be subject to challenge under the Due Process clauses of the Fourteenth Amendment and article I, section 5, of the Hawaii Constitution. In general, due process requires notice and an opportunity to be heard before the government deprives a person of property or liberty. *Brown v. Thompson*, 91 Hawai'i 1, 10, 979 P.2d 586, 595 (1999) (adequate notice must inform the affected parties of the action to be taken against them and procedures available for challenging that action).

This may be resolved by adding a new subsection (c), on page 5, line 7, as follows:

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

Regarding section 142-___, Impoundment of a dangerous dog, which starts at page 12, line 6, the Department has a few comments about the current wording:

(1) References to sections 143-2.6, 711-1108.5, 711-1109, 711-1109.3, and 711-1109.35, HRS, on page 12, lines 10-11, should be deleted, as dogs who are victims of these offenses (whether they are dangerous dogs or not, are already covered under section 711-1109.1, HRS, authority to enter premises; notice of impoundment of animal; damage resulting from entry;

(2) While this section attempts to authorize an officer to seize and impound a dangerous dog, it does not provide legal authority to do so, nor does it provide indemnification against liability. We recommend using wording consistent with section 711-1109.1, HRS, authority to enter premises; notice of impoundment; damage resulting from entry;

(3) Use of the term "enforcement officer" is different from the term "officer," found under the definitions on page 3, line 11. We suggest using the term "officer," if that is what is intended, to be consistent throughout the chapter. However, the definition of "officer" in section 143-1, HRS, may not be the appropriate definition to apply, because that definition limits police officers to only those of counties with populations less than 100,000, which now may only refer to the County of Kauai and the County of Kalawao.

These concerns may be resolved by revising and replacing section 142-_____, impoundment of a dangerous dog, subsection (a), on page 12, lines 6-14, to read as follows:

§142- Impoundment of dangerous dog. (a) If there is probable cause to believe that a dangerous dog has been involved in a violation of section 142-___, negligent failure to control a dangerous dog, or

if a dangerous dog poses an imminent threat of bodily injury to a person or another animal; an officer, after obtaining a search warrant, or in any other manner authorized by law, may enter the premises where the dangerous dog is located to seize and impound the dog. If, after reasonable effort, the owner or person having custody of the dangerous dog cannot be found and notified of the impoundment, an impoundment notice shall be conspicuously posted on the premises and within seventy-two hours after posting, the notice shall be sent by certified mail to the address, if any, from which the dangerous dog was removed.

An officer is not liable for any damage resulting from an entry under subsection (a), unless the damage was caused by acts beyond the scope of the officer's authority, or the officer's negligence, gross negligence, or intentional misconduct.

We also suggest smaller changes to section 142-____, impoundment of a dangerous dog, subsection (e)(1), on page 14, line 1; subsection (f), on page 14, line 19 to page 15, line 2; and subsection (h), on page 15, lines 8-12, for clarification and consistency, as follows:

(1) The owner of the dangerous dog shall pay the animal control authority within five days after the dangerous dog is impounded the amount specified in subsection (b);

(f) A dangerous dog owner's failure to pay impoundment, care, and provision costs for the dangerous dog pursuant to this section [~~shall~~] may result in forfeiture of [~~the dangerous dog owner's right to contest those costs and~~] any ownership rights to the dangerous dog, after proper notice is given.

(h) If an animal control authority that is [~~impounding~~] in possession of a dangerous dog pursuant to this section determines

that the dangerous dog is too dangerous for its staff to safely provide basic care, the dangerous dog may be euthanized by the animal control authority.

The first paragraph of subsection (k) of section 142-____, impoundment of a dangerous dog, on page 16, lines 7-12, is unnecessary, because an impoundment notice would already be provided under subsection (a), as recommended above. Accordingly, the first paragraph of subsection (k) of section 142-____, impoundment of a dangerous dog, should be deleted. That subsection would now begin with "Any person who refuses to surrender"

In addition to the foregoing recommendations, the Department suggests clarifying or conforming certain terminology for consistency, throughout the proposed chapter:

(1) The term "officer" is defined on page 3, line 11, as having the same meaning as section 143-1, HRS, and the term is used throughout the proposed new part of chapter 142. While there is no legal infirmity, we note that this definition does not include the police officers of the City and County of Honolulu, of the County of Hawaii, and of the County of Maui.

(2) The term "serious bodily injury" is defined by section 707-700, HRS, to mean "bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ." However, the term "serious bodily injury," as defined on page 4, line 20, through page 5, line 2, differs from that definition and instead seems to have much the same meaning as "substantial bodily injury" in section 707-700. Accordingly, we suggest changing the term "serious bodily injury" to "substantial bodily injury" and also define "substantial bodily injury" to have the same meaning as in section 707-700. Additionally, if the term "serious bodily injury" is amended to "substantial bodily injury," we also suggest that the term "serious injury to a domestic animal," be amended to "substantial injury to a domestic animal" throughout the wording of the bill. The definition itself does not need to be amended.

(3) The term "euthanize," or variations of that word, is used on page 12, line 5; page 15, line 11; and page 15, line 19, but the term "humanely destroyed" is used on page 11, line 8. If "humanely destroyed" has the same meaning as "euthanized," we suggest that it be amended to "euthanized."

(4) The definition of "animal control authority" should be amended to delete "or a private contractor retained by a county to enforce animal laws" because the bill calls on the animal control authority to perform uniquely governmental functions, such as the rescission of an officer's declaration. The new definition should then read as follows:

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

The Department believes that clarification of these terms, and their usage throughout the proposed new part of chapter 142 would add clarity and reduce the risk of confusion for everyone involved in the enforcement and court processes.

Thank you for the opportunity to provide comments.

JON N. IKENAGA
STATE PUBLIC DEFENDER

DEFENDER COUNCIL
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

HONOLULU OFFICE
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

APPEALS SECTION
TEL. No. 586-2080

DISTRICT COURT SECTION
TEL. No. 586-2100

FAMILY COURT SECTION
TEL. No. 586-2300

FELONY SECTION
TEL. No. 586-2200

FAX (808) 586-2222



STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

HAYLEY CHENG
ASSISTANT PUBLIC
DEFENDER

HILO OFFICE
275 PONAHAHAWAI STREET
HILO, HAWAII 96720
TEL. No. 974-4571
FAX No. 974-4574

KONA OFFICE
82-6127 MAMALAOHA HIGHWAY
P.O. BOX 1219
CAPTAIN COOK, HAWAII 96704
TEL. No. 323-7562
FAX No. 323-7565

KAUAI OFFICE
3060 EIWA STREET
LIHUE, HAWAII 96766
TEL. No. 274-3418
FAX No. 274-3422

MAUI OFFICE
81 N. MARKET STREET
WAILUKU, HAWAII 96793
TEL. No. 984-5018
FAX No. 984-5022

February 25, 2024

Committee on the Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Conference Room 016
State Capital
Honolulu, HI 96813
via email: JDCtestimony@capitol.hawaii.gov

Re: Testimony in Opposition of S.B. 2692
Hearing: February 27, 2024, 9:32 AM

Dear Chair Rhoads, Vice Chair Gabbard and Committee Members:

This letter is in opposition of S.B. 2692 which, *inter alia*, increases the penalty for the offense of dangerous dog to a class C felony, and it permits an officer to make an unsupported probable cause determination categorizing a dog as dangerous.

The concerns raised in S.B. 2692 § 1, which articulates the purpose for the bill, are appositely addressed and penalized in each judicial circuit in the state under pre-existing county ordinances. See Hawaii Revised Ordinances, § 12-7; Maui Code of Ordinances § 6.04; Hawaii County Code, § 4-31; and Kauai County Code, Art. 17, § 22-17.3. S.B. 2692 is duplicative legislation that unreasonably increases the penalties that creates a fatal constitutional violation under the Hawaii Constitution, Article I, § 5. The Hawaii Supreme Court addressed this exact situation holding that, “[w]here the same act committed under the same circumstances is punishable either as a felony or as a misdemeanor, under either of two statutory provisions, and the elements of proof essential to either conviction are exactly the same, a conviction under the felony statute would constitute a violation of defendant’s right to due process and the equal protection of the law.” State v. Modica, 58 Haw. 249, 567 P.2d 420, 421 (1977). The fatal constitutional dilemma is but one of many reasons S.B. 2692 should be rejected.

S.B. 2692 presents additional problematic constitutional issues. Section 142 (a)(1)-(3), lines 7-16, permits an officer to “find and declare a dog to be a dangerous dog if the officer has probable cause to believe that the dog falls within the definition of ‘dangerous dog.’” The officer is not the equivalent of a court of law, and the officer should not be permitted to make a legally binding determination of law. An officer who

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is involved in the investigation can be improperly influenced based on personal bias, interactions with the witnesses or complainants or even the officer's employment as an "animal control officer" with the Hawaiian Humane Society or like organizations. These inherent subjective and external biases and influences constitutionally taint the officer's legal designation which is why a court or grand jury are called upon to make probable cause determinations. The officer's determination of probable cause would be susceptible to legal challenges based on these influences.

The legal dilemmas in S.B. 2692 persist despite the bill's requirement of a written statement from "a person who is willing to testify that the dog and its owner have acted in a manner that causes it to fall within the definition of 'dangerous dog[.]'" Section 142 (a)(1), lines 12-14. The requirement of a written statement does not ensure that there was an unbiased investigation or sufficient evidence to support a finding of probable cause. Rather, the bill permits an unfounded accusation to be made against an owner and a dog, without any evidence, and thereby triggering significant legal and financial consequences under the bill. Here, any person who is willing to write a statement triggers the probable cause determination. It is not unheard of that a spiteful neighbor lies to get an owner in trouble and causing the disposal of the dog which creates an unjust nightmare emotionally and financially for the owner of an innocent dog.

Another significant problem of the bill is that Section 142 (a), subsections (2) and (3) do nothing to ensure due process and equal protection for the accused owner. Section 142 (a) (2) provides that the officer's determination is based upon the officer's observation of the dog's actions. For the vast majority of cases, an officer is not present at the time of the incident. Further, any post-incident conduct observed by the officer would not be relevant to the underlying incident.

Similarly, under Section 142 (a)(3), the determination may be based on "[o]ther substantial evidence admissible in court." An officer responding to a report of a dog attack, whether law enforcement or an animal control officer, is not in a position to determine what, if any, evidence is admissible in court. The officer, unlike a judicial court, does not know what evidence is admissible in a court of law under the Hawaii Rules of Evidence, state law or case law. Additionally, the bill does not define what would constitute "substantial evidence," more less admissible evidence. Under S.B. 2692, section 142 (a), permitting an officer to make the determination of dangerous dog creates fatal constitutional issues under article I, §5 of the Hawaii Constitution.

It is unjust and problematic for the probable cause determination to be based solely on a written statement by a single person who is willing to write that the owner and dog meet the definition of a dangerous dog. A dog attack is a highly emotional incident that is stressful and frenzied. A dog attack significantly impacts an individual's perception and memory. The victim of a dog attack, either as the owner of pet which has been attacked or having personally suffered an injury from a dog, is subjected to the stress and emotion of the moment and may not be thinking straight. Circumstances and details leading up to the attack, the attack, identification of the dog and the victim or the victim's pet's role(s) in the attack can be influenced and compromised based on emotions, stress and bias. It is unfair and unjust to permit the weight of the penalties to rise and fall based on a one-sided written statement.

Another major legal issue with S.B. 2692 is that once the determination of a dangerous dog is made, restrictions and requirements are automatically activated and fall upon the owner and the dog. The owner will suffer irreversible financial obligations that will not be refunded even if the owner is not convicted of the criminal offense. There is no recourse for the owner to challenge the officer's probable cause determination of dangerous dog or to present any evidence. The lack of any ability to appeal, present evidence or any way challenge a vindictive and/or baseless dangerous dog determination raises constitutional issues under the due

process and equal protection clauses of Article I, section 5 of the Hawaii Constitution.

The considerable increase in penalties is disproportionate for the conduct and the state of mind. S.B. 2692 seeks to increase the penalty from a misdemeanor to a class C felony based on the resulting injuries, similar to the categorization of assault-type charges. The escalation of the penalties for dangerous dog is unjustified because unlike charges which base the penalty on the severity of injury, those offenses are based on intentional and knowing conduct. Here, the offense is based on a negligent statement of mind that does not reflect the same level of intentional conduct. The negligent failure to control a dangerous dog is not analogous to an assault scenario, and hence, the drastic increase of penalty cannot be supported.

Thank you for taking these comments into consideration.

Sincerely,
/s/ Taryn Tomasa
Deputy Public Defender

REBECCA VILLEGAS
Council Member
District 7, Central Kona



PHONE: (808) 323-4267
FAX: (808) 323-4786
EMAIL: Rebecca.villegas@hawaiicounty.gov

HAWAI'I COUNTY COUNCIL

*West Hawai'i Civic Center, Bldg. A
74-5044 Ane Keohokalole Hwy.
Kailua-Kona, Hawai'i 96740*

TESIMONY OF REBECCA VILLEGAS COUNCIL MEMBER

HAWAII COUNTY COUNCIL

ON SB 2692 RELATING TO DANGEROUS DOGS

Senate Committee on Judiciary

February 22, 2024

Chairperson Rhoads and Members of the Committee:

My testimony is submitted in my individual capacity as a member of the Hawaii County Council.

I support SB2692, a measure which finds that dogs owners should clearly be held responsible for the aggressive actions of their dogs that harm persons or other animals. The purpose of this bill is to: (1) establish requirements and penalties for owners of dangerous dogs; and (2) Allows for impounding of dangerous dogs under certain conditions.

For these reasons stated above, I urge the Senate Committee on Judiciary to support this measure. Should you have any questions, please contact me at, (808) 323-4267.

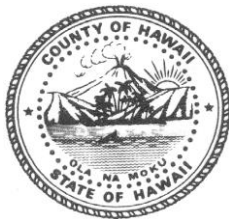
Mahalo for your consideration.

A handwritten signature in black ink, appearing to read "Rebecca Villegas".

Rebecca Villegas
Council Member, Hawai'i County Council

KELDEN B.A. WALTJEN
PROSECUTING ATTORNEY

STEPHEN L. FRYE
FIRST DEPUTY
PROSECUTING ATTORNEY



655 KILAUEA AVENUE
HILO, HAWAII 96720
PH: (808) 961-0466
FAX: (808) 961-8908

74-675 KEALAKEHE PARKWAY
KAILUA-KONA, HAWAII 96740
PH: (808) 322-2552
FAX: (808) 322-6584

64-1067 MAMALAHOA HIGHWAY, C-3
KAMUELA, HAWAII 96743
PH: (808) 887-3017
FAX: (808) 887-3016

OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL NO. 2692

RELATING TO DANGEROUS DOGS

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Tuesday, February 27, 2024 at 9:32 a.m.

Honorable Chair Rhoads, Vice Chair Gabbard, and Members of the Committee on Judiciary. The County of Hawai'i, Office of the Prosecuting Attorney submits the following testimony in support of the passage of Senate Bill No. 2692 with comments.

This bill was drafted in response to growing concerns surrounding dangerous dog attacks across our state and seeks to establish statewide requirements and penalties, including felony penalties, for dangerous dog owners where a dog attack results in injury or death to another animal and/or bodily injury, serious bodily injury, and/or death of another person.

Hawaii Revised Statutes ("HRS") Section 142-75 provides the authority for each county to enact and enforce ordinances to regulate dangerous dog owners. HRS Section 46-1.5 further defines the general powers and limitations of the counties including restricting the counties power to establish ordinances and fix penalties for a violation of an ordinance as a violation (i.e. subject to a fine), petty misdemeanor, or misdemeanor offense.

Notwithstanding, in April 2022, the Hawai'i County Council passed Bill 125 into law as Hawai'i County Code ("HCC") 4-4-32 establishing felony level offenses for dog attacks that resulted in substantial bodily injury, serious bodily injury, and/or death of another person. See attached Exhibit "A". Unfortunately, review of Sections 142-75 and 46-1.5 indicate that existing state law preempts the enactment of felony offenses via county ordinance. As a result, the class B and C felony penalties contained within HCC 4-4-32 are not enforceable much to the frustration of Hawai'i County law enforcement, officials, victims and their families, and our community.

Our Office regularly meets with community groups, local government leaders, law enforcement officials, and members of the public about their concerns and interests regarding the criminal justice system. In hopes of addressing our community's concerns and prioritizing the safety and well-being of Hawai'i Island residents we have conducted several online surveys. In our 2021 online survey which ran from December 9, 2021 through December 30, 2021, a total of 1,422 individuals participated. Of those 1,422 participants, 1,144 or 81.08% supported

legislation for harsher penalties for the criminal liability of dog owners in dog attacks resulting in substantial bodily injury, serious bodily injury, or death. Please see attached Exhibit “B”.

On February 6, 2024, the Hawai‘i County Council Committee on Governmental Operations and External Affairs recommended the adoption of Resolution No. 430-24, “A resolution urging the Hawai‘i State Legislature to amend Chapter 142, Hawaii Revised Statutes, to provide for greater public safety against the risk of damage, injury, and death posed by dangerous dogs by increasing enforcement and penalties against owners of such dogs.”

Senate Bill No. 2692 is a positive step in the right direction. That being said, there are a few concerns that may need to be addressed including the incorporation of a contested hearings process for dog owners which would likely differ among the counties and their appropriate deciding bodies, consideration of adopting the definitions of “serious bodily injury” as defined under HRS Chapter 707 or renaming “serious bodily injury” under Chapter 142, and enacting a class B felony penalty offense resulting in serious bodily injury or death of another person.

The County of Hawai‘i, Office of the Prosecuting Attorney remains committed to the pursuit of justice with integrity and commitment. There is a substantial public interest to address serious incidents involving irresponsible owners of dangerous dogs. The imposition of appropriate penalties and sanctions for owners of dangerous dogs will promote respect for the law, ensure that offenders receive an appropriate sentence that reflects the seriousness of the offense, provide adequate deterrence for further criminal conduct, and protect the public.

For the foregoing reasons, the, County of Hawai‘i, Office of the Prosecuting Attorney supports the passage of Senate Bill No. 2692 with comments. Thank you for the opportunity to testify on this matter.

Section 4-4-29. Leash required for public places.

No person shall bring or permit any dog in any County park, public school ground, or airport unless it is held under control by a suitable leash, not more than six feet long; provided, however, that dogs even under control by a suitable leash shall not be allowed in any County beach park. These restrictions shall not apply to dogs utilized by police for patrol or other police purposes.

(1983 CC, c 4, art 4, sec 4-29; am 1986, ord 86-34, sec 5; am 2022, ord 22-36, sec 6.)

Section 4-4-30. Penalty for permitting a dog to stray.

In addition to other penalties listed in this chapter, the owner of any dog which strays upon any public lands or the private lands of another shall be fined as follows:

- (1) For a first offense, or any offense not preceded within a five-year period by a conviction under this section: \$25.
- (2) For any offense which occurs within a five-year period of a prior conviction under this section: \$50.
- (3) For any offense which occurs within five years of two prior convictions under this section: \$75.
- (4) For any offense which occurs within five years of three or more prior convictions under this section; any one or more of the following:
 - (A) A fine of up to \$500.
 - (B) Up to one hundred hours of community service.

(1983 CC, c 4, art 4, sec 4-30; am 1995, ord 95-32, sec 3; am 2022, ord 22-36, sec 6.)

Division 3. Dangerous Dogs.**Section 4-4-31. Dangerous dogs may be slain.**

- (a) If any dangerous, fierce, or vicious dog shall be found running at large and cannot be taken up or tranquilized and impounded, such dog may be slain by any officer or agent authorized to perform any duty under this chapter.
- (b) Notwithstanding any provision to the contrary which may be found elsewhere in this chapter, where livestock have been killed, maimed or injured by any dangerous, fierce or vicious stray dog, the owner of such livestock or the owner's agent, after being deputized as a special officer in accordance with the provisions of section 4-2-4, may take any action necessary to protect the owner's livestock from such dangerous, fierce, or vicious dog, including, without limitation, slaying or otherwise disposing of the same.

(1983 CC, c 4, art 4, sec 4-28; am 2022, ord 22-36, sec 6.)

Section 4-4-32. Negligent failure to control a dangerous dog; penalties.

- (a) A dog owner commits the offense of negligent failure to control a dangerous dog, if the person negligently fails to take reasonable measures to prevent the dog from attacking, without provocation, a person or animal and such attack results in:
- (1) The maiming or causing of serious injury to or the destruction of an animal;
 - (2) Bodily injury to a person;
 - (3) Substantial bodily injury to a person; or
 - (4) Serious bodily injury or death.
- (b) For the purposes of this section, “reasonable measures to prevent the dog from attacking” shall include but not be limited to:
- (1) Measures required to be taken under sections 4-3-1, 4-3-2, 4-3-5, 4-4-21, 4-4-24, 4-4-30 and 4-9-1 of this chapter to prevent the dog from becoming a stray; and
 - (2) Any conditions imposed by the court for the training of the dog or owner or for the supervision, confinement or restraint of the dog for a previous conviction under this section.
- (c) A person convicted under this section of a violation of subsections (a)(1) or (a)(2) shall be guilty of a petty misdemeanor and sentenced to one or more of the following:
- (1) A fine of not less than \$200 nor more than \$1,000;
 - (2) A period of imprisonment of up to thirty days or, in lieu of imprisonment, a period of probation of not more than six months in accordance with the procedures, terms and conditions provided in chapter 706, part II, Hawaii Revised Statutes; or
 - (3) Restitution to any individual who has suffered bodily injury or property damage as a result of an attack by the dog.
- (d) A person convicted under this section of a violation of subsection (a)(3) shall be guilty of a class C felony and sentenced to one or more of the following:
- (1) A fine of not less than \$500 nor more than \$10,000;
 - (2) A period of imprisonment of up to five years or, in lieu of imprisonment, a period of probation of four years with up to one year of imprisonment, in accordance with the procedures, terms and conditions provided in chapter 706, part II, Hawaii Revised Statutes;
 - (3) Restitution to any individual who has suffered bodily injury or property damage as a result of an attack by the dog; or
 - (4) The dog shall be humanely destroyed.
- (e) A person convicted under this section of a violation of subsection (a)(4) shall be guilty of a class B felony and sentenced to one or more of the following:
- (1) A fine of not less than \$500 nor more than \$25,000;
 - (2) A period of imprisonment of up to ten years or, a period of probation of four years with up to eighteen months of imprisonment, in accordance with the procedures, terms and conditions provided in chapter 706, part II, Hawaii Revised Statutes;

- (3) Restitution to any individual who has suffered bodily injury or property damage as a result of an attack by the dog; or
- (4) The dog shall be humanely destroyed.

(2002, ord 02-138, sec 3; am 2022, ord 22-36, secs 6 and 7.)

Section 4-4-33. Habitual negligent failure to control a dangerous dog; penalties.

- (a) A dog owner commits the offense of habitual negligent failure to control a dangerous dog, if the person was convicted of a violation of section 4-4-32 within five years prior to the present incident, the prior violation involved the same dog, and the dog owner negligently failed to take reasonable measures to prevent the dog from attacking, without provocation, a person or animal and such attack results in:
 - (1) The maiming or causing of serious injury to or the destruction of an animal; or
 - (2) Bodily injury to a person.
- (b) A person convicted under this subsection shall be guilty of a misdemeanor and sentenced to one or both of the following procedures, terms and conditions provided in chapter 706, part II, Hawai'i Revised Statutes:
 - (1) A fine of not less than \$200 nor more than \$2,000;
 - (2) A period of imprisonment of up to one year, or in lieu of imprisonment, a period of probation of not more than one year in accordance with the procedures, terms and conditions provided in chapter 706, part II, Hawai'i Revised Statutes;
 - (3) Restitution to any individual who has suffered bodily injury or property damage as a result of an attack by the dog; or
 - (4) The dog shall be humanely destroyed.

(2022, ord 22-36, sec 10; am 2022, ord 22-36, sec 10.)

Section 4-4-34. Citation and summons; seizure; relinquishment of ownership.

- (a) Upon finding probable cause to believe that there has been a violation of sections 4-4-32 or 4-4-33, an enforcement officer may arrest or issue a summons and citation to the dog's owner, or both. In addition to arresting or issuing a summons and citation to the owner, an enforcement officer shall have the dog seized and impounded until: (1) the Court orders that the dog be humanely destroyed or returned to the owner, or; (2) a criminal case arising out of the violation of section 4-4-32 or 4-4-33 is dismissed, whichever comes first. Such impoundment may be at the premises of a licensed veterinarian, a County animal control facility, or at a commercial kennel. All expenses incurred by the County relating to the care and custody of the dog shall be borne by the owner regardless of whether the alleged offense results in a conviction pursuant to the provisions of chapter 4.
- (b) If a dog is seized and impounded pursuant to this section, the citation shall notify the owner that if the owner does not appear at the time and place stated in the summons, the dog shall be subject to relinquishment pursuant to subsection (d).

- (c) Any person who refuses to surrender a dog that is subject to relinquishment pursuant to this section shall be guilty of a petty misdemeanor and fined not less than \$200 nor more than \$2,000, imprisoned not more than thirty days, or both.
- (d) In the event that the owner of a dog seized and impounded pursuant to this section fails to appear in court as required, ownership of the dog shall be deemed relinquished and the court may order disposition of the dog as it deems appropriate.
- (e) Notwithstanding any relinquishment of ownership of the dog pursuant to subsection (d) or voluntary relinquishment of ownership of the dog, the owner shall still be responsible for all expenses of boarding the dog and any penalties which may be imposed by the court.

(2002, ord 02-138, sec 3; am 2022, ord 22-36, secs 6 and 9.)

Section 4-4-35. Additional penalties.

- (a) Unless the dog has been or is ordered to be humanely destroyed, the dog owner shall also be sentenced to the following provisions, in addition to the provisions of sections 4-4-32 and 4-4-33:
 - (1) The owner shall provide the owner's name, address and telephone number to the County animal control service;
 - (2) The owner shall provide the location at which the dog is currently kept, if such location is not the owner's address;
 - (3) The owner shall promptly notify the appropriate animal control service of:
 - (A) Any changes in the ownership of the dog or the location of the dog along with the names, addresses, and telephone numbers of new owners or the new address at which the dog is located;
 - (B) Any further instances of an attack by the dog upon a person or an animal;
 - (C) Any claims made or lawsuits brought as a result of further instances of an attack by the dog; or
 - (D) The death of the dog.
 - (4) The owner shall obtain a license for the dog pursuant to section 143-2, Hawaii Revised Statutes, if the dog is not currently licensed; and
 - (5) Unless already identified by microchip, the dog shall be permanently identified, at the owner's expense, by injecting into the dog an identification microchip using standard veterinary procedures and practices. The microchip identification number of the dog shall be provided to the County animal control service.
- (b) Unless the dog has been or is ordered to be humanely destroyed, in addition to the provisions of subsection (a), the dog owner may also be sentenced to any of the following terms or conditions:
 - (1) When indoors, the dog be under the control of a person eighteen years of age or older;
 - (2) When outdoors and unattended, the dog be kept within a locked fenced or walled area from which it cannot escape;
 - (3) When outdoors and unattended, the dog be confined to an escape-proof kennel;

- (4) When outdoors, the dog be attended and kept within a fenced or walled area from which it cannot escape;
 - (5) When outdoors, the dog be attended and kept on a leash no longer than six feet in length and under the control of a person eighteen years of age or older;
 - (6) When outdoors, the dog be attended and muzzled with a muzzle that prevents the dog from biting any person or animal but does not cause injury to the dog or interfere with its vision or respiration;
 - (7) A sign or signs be placed in a location or locations directed by the court advising the public of the presence and dangerousness of the dog;
 - (8) The owner and dog, at the owner's expense, attend training sessions conducted by an animal behaviorist, a licensed veterinarian, or other recognized expert in the field;
 - (9) The dog be neutered or spayed at the owner's expense, unless the neutering or spaying of the dog is medically contraindicated;
 - (10) The owner procure liability insurance or post bond of not less than \$50,000, or for a higher amount if the court finds a higher amount appropriate to cover the medical and/or veterinary costs resulting from potential future actions of the dog;
 - (11) The dog be humanely destroyed; or
 - (12) Any other condition the court deems necessary to restrain or control the dog.
- (c) For the purposes of this section, an "escape-proof kennel" means a kennel which allows the dog to stand normally and without restriction, which is at least two and one-half times the length of the dog, and which protects the dog from the elements. Fencing or wall materials required under this section shall not have openings with a diameter of more than two inches, and in the case of wooden fences, the gaps therein shall not be more than two inches. Any gates within such kennel or structure shall be lockable and of such design as to prevent the entry of children or the escape of the dog, and when the dog is confined to such kennel or area and unattended, such locks shall be kept locked. The kennel may be required to have double exterior walls to prevent the insertion of fingers, hands, or other objects.
- (d) Upon probable cause, an enforcement officer may either arrest or issue a summons and citation to the owner for violation of subsection (a).
- (2022, ord 22-36, sec 13.)

Section 4-4-36. Civil action not precluded.

Nothing contained in this article shall preclude any person injured by a dog from bringing a civil action against the owner of such dog pursuant to the applicable provisions of state law.

(2002, ord 02-138, sec 3; am 2022, ord 22-36, secs 6 and 12.)

Section 4-4-37. Exemption.

The provisions of this article shall not apply to dogs owned by any law enforcement agency and used in the performance of law enforcement work.

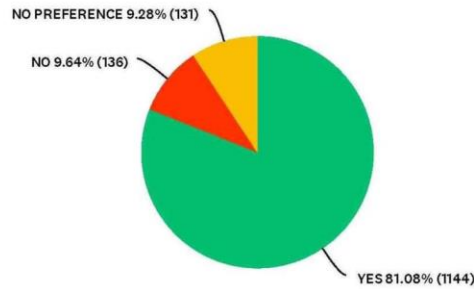
(2002, ord 02-138, sec 3; am 2022, ord 22-36, secs 6 and 8.)



OFFICE OF THE PROSECUTING ATTORNEY LEGISLATIVE INITIATIVES SURVEY

Q9 Do you support legislation for harsher penalties for the criminal liability of dog owners in dog attacks resulting in substantial bodily injury, serious bodily injury, or death?

Answered: 1,411 Skipped: 11



ANSWER CHOICES	RESPONSES	
YES	81.08%	1,144
NO	9.64%	136
NO PREFERENCE	9.28%	131
TOTAL		1,411

BACKGROUND

Currently, regardless of the seriousness of the injury, most dog attack cases on Hawai'i Island are investigated and prosecuted as a violation of Hawai'i County Code Section 4-31. If convicted a person shall be subject to a fine between \$200 and \$2,000, up to thirty (30) days in jail, and/or six (6) months probation. HRS provides the following relevant definitions:

"Serious bodily injury" means bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

"Substantial bodily injury" means bodily injury which causes a major avulsion, laceration, or penetration of the skin, a bone fracture, a serious concussion, or a tearing, rupture, or corrosive damage to the esophagus, viscera, or other internal organs.

PROSECUTORS PROPOSAL

The Office of the Prosecuting Attorney proposes assessing felony level penalties where a dog attack results in substantial or serious bodily injury, or death.



Jennifer Kagiwada
Council Member District 2 South Hilo



Office: (808) 961-8272
jennifer.kagiwada@hawaiicounty.gov

HAWAI'I COUNTY COUNCIL - DISTRICT 2

25 Aupuni Street • Hilo, Hawai'i 96720

DATE: February 25, 2024
TO: Senate Committee on Judiciary
FROM: Jennifer Kagiwada, Council Member
Council District 2
SUBJECT: SB 2692

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Committee,

I am writing to you in strong support of SB 2692. This is a long overdue and very important bill to help protect the safety of our community. Our County passed Ordinance No. 36 in 2022 to establish fines, penalties, and other regulations for those who own dangerous dogs.

Dog attacks have continued to occur since the enactment of our County legislation, which has demonstrated the need for stronger laws and enforcement. We have been made aware through attempted prosecution of County laws that there are inconsistencies between the State and County laws and we therefore need this legislation to help with clarification and enforcement.

Our County Council office introduced Resolution 430, which just passed its final reading in Council this past week. Reso 430 is in support of the State passing legislation on this issue and I am attaching a copy to this testimony.

Thank you for the opportunity to testify in favor of SB 2692.

Mahalo,

A handwritten signature in black ink, appearing to read "Jenn Kagiwada".

Jenn Kagiwada



RESOLUTION NO. 430 24

(DRAFT 2)

A RESOLUTION URGING THE HAWAI'I STATE LEGISLATURE TO AMEND CHAPTER 142, HAWAI'I REVISED STATUTES, TO PROVIDE FOR GREATER PUBLIC SAFETY AGAINST THE RISK OF DAMAGE, INJURY, AND DEATH POSED BY DANGEROUS DOGS BY INCREASING ENFORCEMENT AND PENALTIES AGAINST OWNERS OF SUCH DOGS.

WHEREAS, the American Veterinary Medical Association considers dog attacks to be a serious health risk to our society that is almost entirely preventable through public education and properly enforced measures by owners to keep dogs humanely restrained and secured; and

WHEREAS, Hawai'i County residents and their animals have recently been subjected to a number of vicious attacks by dogs, causing severe injuries and ultimately resulting in the deaths of persons and animals that were attacked; and

WHEREAS, on April 6th, 2022, in response to these recurring attacks, the Council of the County of Hawai'i ("the Council") unanimously passed Bill No. 125, Draft 2, which was signed into law as Ordinance No. 22-36 by Mayor Mitchell Roth on April 21st, 2022; and

WHEREAS, Ordinance No. 22-36 provided additional provisions to regulate persons who own, harbor, or keep any dog that has bitten, injured, maimed, or killed a person or injured, maimed, or destroyed an animal belonging to another person; and

WHEREAS, dog attacks have continued to occur since the enactment of this legislation, demonstrating the need for stronger laws, penalties, and enforcement relating to dangerous dogs; and

WHEREAS, inconsistencies in State and County laws regarding dangerous dogs have made it unclear which laws are enforceable to hold dog owners accountable; and

WHEREAS, the problem of dangerous dogs is not unique to Hawai'i County, and the Hawai'i State Association of Counties recognized this issue as the number one legislative priority for its 2024 legislative package; and

WHEREAS, the Hawai'i State Legislature is currently considering multiple bills, such as S.B. 2692 and H.B. 2058, that would establish requirements and penalties for dog owners that allow their dogs to injure or kill other animals or people; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I that this body hereby urges the Hawai'i State Legislature to amend Chapter 142, Hawai'i Revised Statutes, to set and increase fines, penalties, and other regulations as prescribed in Ordinance No. 22-36, including providing that owners convicted under the law be found guilty of a class C

felony for a dog attack that results in substantial bodily injury to a person, or a class B felony if the attack results in death.

BE IT FURTHER RESOLVED that the Council supports the intent of S.B. 2692 and H.B. 2058 and urges the legislature to consider these bills and other similar measures as potential vehicles to bring about much-needed changes to State law in an effort to prevent any more injury, damage, or death caused by dangerous dogs.

BE IT FINALLY RESOLVED that the County Clerk shall transmit a copy of this resolution to the Honorable Joshua Green, M.D., Governor of the State of Hawai'i; the Honorable Ronald D. Kouchi, President of the Hawai'i Senate; the Honorable Scott K. Saiki, Speaker of the Hawai'i House of Representatives; the Honorable members of the Hawai'i Island delegation to the Hawai'i State Legislature; the Honorable Mitchell D. Roth, Mayor of the County of Hawai'i; the Honorable Kelden Waltjen, Prosecuting Attorney of the County of Hawai'i; Benjamin Moszkowicz, Chief of Police of the County of Hawai'i; the Honorable Thomas Waters, Chair of the Council of the City and County of Honolulu; the Honorable Alice L. Lee, Chair of the Council of the County of Maui; the Honorable Melvin Rapozo, Chair of the Council of the County of Kaua'i; the Honorable Steven S. Alm, Prosecuting Attorney of the City and County of Honolulu; the Honorable Rebecca V. Like, Prosecuting Attorney of the County of Kaua'i; and Andrew H. Martin, Prosecuting Attorney of the County of Maui.

Dated at _____, Hawai'i, this _____ day of _____, 20__.

INTRODUCED BY:



 COUNCIL MEMBER, COUNTY OF HAWAI'I.

COUNTY COUNCIL
 County of Hawai'i
 Hilo, Hawai'i

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawai'i on _____.

ATTEST:

COUNTY CLERK CHAIRPERSON & PRESIDING OFFICER

ROLL CALL VOTE

	AYES	NOES	ABS	EX
EVANS				
GALIMBA				
INABA				
KAGIWADA				
KANEALI'I-KLEINFELDER				
KIERKIEWICZ				
KIMBALL				
LEE LOY				
VILLEGAS				

Reference: _____ C-712.21/GOEAC-108

RESOLUTION NO. **430 24**

(DRAFT 2)

SB-2692

Submitted on: 2/26/2024 8:14:18 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Sylvia Dolena	Testifying for Aloha Animal Advocates	Support	Remotely Via Zoom

Comments:

Testimony: SB2692 Vicious Dogs

From Sylvia Dolena, Co-Founder, Aloha Animal Advocates / Vice President, Love Those Dog Paws.

Many Communities in Hawaii County are in crisis mode. A County Council supported community-based Taskforce facilitated island-wide meetings recently for all 9 districts to gather animal issues in their communities. Here are the top 4 issues from all 9 county districts:

1. Vicious dog packs running loose; vicious dogs that attack small animals and humans. No deterrents. (Within the past two years, there have been three mauling deaths, 6 severe injuries causing loss of limbs or blindness and approximately 500 reports of dog bites.)
2. Inadequate, archaic animal welfare laws; inconsistent enforcement or lack of enforcement of the existing laws. Need for stricter laws which carry significant penalties for owners of animals causing destruction. Need for preventative laws.
3. Animal cruelty, animal neglect, animal abuse, animal abandonment.
4. Inhumane animal overpopulation methods, "catch and kill"; no preventative programs at State or County levels. **Remember HB 1987?**

The following Community members requested that their testimony be submitted for them due to lack of access.

Testimony: SB2695 Vicious Dogs

[Julie Whitton Dexter](#)

We need strict laws regarding dangerous dogs. Dog owners **MUST** be held responsible.

Julie Dexter, Captain Cook

Shaun Lindsey

Dog owners must be held accountable for any destruction of property and any injuries to other

animals and humans.

Shaun Lindsey, Mountain View

Chama Otto

A neighbor's dogs came on my property and killed my cats and my nextdoor neighbor's cats. This is the fourth time these dogs have come on my property and these dogs run in a pack all over the neighborhood. These dogs are dangerous, nothing is being done. We need laws with strict penalties to deter the lack of accountability.

Chama Otto, Kurtistown

Tart Cherry

Seeking information of any bystanders & witnesses To myself / Charity Gjerset getting mauled, attacked & bit by a brindle pitbull or you have witnessed three dogs that match descriptions below PLEASE CONTACT Hawaii Police Department Contact Phone: 1 808-935-3311 REPORT # 24-002243 After being attacked January 7, 2025 2:30 pm - 3 pm Location: Lehia Beach Park Hilo, Hawai'i by a loose brindle pit bull today, in pain w/ multiple punctures & bruising. Cacisian Guy(s) had two loose dogs one being a tan amputated dog and the other brindle pitbull, while the leashed 3rd largest bull dog was launching & dig into attempted to attack me too, while I was on ground getting attacked & bit by brindle pitbull. While a couple other of his so called friends stood and watched me get bit 3 times & 6 teeth puncture bites & lots of multiple other tooth scratches, before removing dog from my arm after I yelled to my ohana whom was only less than a minute ahead on trail. I was in a state of trauma & rested after & to make sure the dog didn't hit any arteries. I will never be or feel the same after this and I have dealt with aggressive dogs here in Hawaii way to often. Makes me sick physically & mentally & I have a disgust about what happened. As for the dog & feel it needs to be put down & I can help with that also (I'm a experienced vet tech) cuz if this dog attacked anyone of the little keiki that was

there today or ever it could be fatal to anyone.



Mahalo Charity Gjerset PO Box 898 Naalehu, Hawai'i 96772

Mahalo, Sylvia Dolena



Hawaiian Humane Society
People for animals. Animals for people.

2700 Waiālae 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 in support of SB 2692: Relating to Dangerous Dogs
Tuesday, Feb. 27, 2024, 9:32 a.m., Room 016 & Videoconference

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

On behalf of the Hawaiian Humane Society, thank you for considering our support for Senate Bill 2692, which establishes requirements and penalties for owners of dangerous dogs, allows for impounding of dangerous dogs under certain conditions, and takes effect 1/1/2025.

The current response to dangerous dog issues in Hawai'i is dictated by county ordinance. While local control makes sense for a lot of issues, it has its limitations when it comes to these offences. This bill takes the issue to the state level in order to address those limitations.

SB 2692 would improve law enforcement's response to the threat dogs may pose in the community, as well as to bite incidents, in the following ways:

- It allows pre-court dangerous dog designations in cases – such as frequent strays that menace the community without causing a bite injury – that are designed to preserve a pet owner's property rights while keeping the community safe. These same rules could be imposed in the case of minor bites when a victim does not want to press charges, preventing a more serious incident and/or helping to establish proof of negligence if the owner is noncompliant. These are the most common dangerous dog issues seen by law enforcement and the current tools are inadequate to compel better behavior, leading to frustration in the community.

- The bill also creates a process for reversing a dangerous dog designation under certain conditions. This has precedent in other jurisdictions and is a step toward more progressive animal law enforcement.
- For cases serious enough to warrant prosecution, particularly those that cause the serious injury or death of a human being, this measure allows for a felony penalty, which is not possible under county ordinance. Our communities are angry that these cases, especially the truly egregious ones, are not taken more seriously.

This measure is intended to have the double benefit of reducing the number of cases that will need to go to court at all, while imposing more appropriate penalties for those that do.

While public safety is the primary goal of this measure, its provisions also take a strong stand for animal welfare.

- It has clear guidelines for what constitutes provocation.
- It does not discriminate based on arbitrary factors such as breed.
- It standardizes the rules across the state, allowing for more consistent training and enforcement at the county level.
- It requires pre-paid boarding or surrender of impounded dogs. Pre-paid boarding is common in other jurisdictions, and it reduces the number of animals who suffer the devastating mental and physical deterioration that occurs in dogs who spend a year or more in a shelter environment while cases resolve.

We have worked with our peers at the Hawai'i Animal Welfare Association on this measure and we support the changes requested in HAWA's testimony.

We urge you to pass SB 2692, which will allow law enforcement to better respond to community concerns, prevent dog bites from taking place, and increase penalties in the case of the worst attacks.

Mahalo for your consideration.



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 in support of SB 2692: Relating to Dangerous Dogs
Tuesday, Feb. 27, 2024, 9:32 a.m., Room 016 & Videoconference

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

On behalf of the Hawai'i Animal Welfare Association, thank you for considering our support for Senate Bill 2692, which establishes requirements and penalties for owners of dangerous dogs, allows for impounding of dangerous dogs under certain conditions, and takes effect 1/1/2025.

HAWA represents the largest animal welfare nonprofits in each county and the animal law enforcement contractors on Kauai, O'ahu and Maui. Our members are in strong support of this measure.

Fatal attacks on Hawai'i Island have fueled anger in the community and created a sense of powerlessness among law enforcement agencies. Hawai'i County attempted to address the lack of an appropriate penalty for serious dog bites in 2022 but learned it could not codify a felony penalty in county ordinance.

Better tools are needed statewide to encourage dog owners to keep their animals contained and their neighborhoods safe, to prevent attacks, and to impose adequate punishment when they occur. This bill would help to provide those tools.

We request the following clarifying amendments of the committee:

Under definitions:

“Serious injury to ~~a domestic~~ any animal” means physical injury to the animal involving a broken bone, a laceration requiring multiple stitches, a concussion, or a tearing or rupture of an organ.

Under Legal requirements of owner:

(7) Ensure that when the dangerous dog is outside on the owner's premises and attended, the dangerous dog is kept on a fixed and secure leash no longer than four feet in length, under the control of a person at least eighteen years of age, and kept within a fenced or walled area from which it cannot escape;

(8) Ensure that when the dangerous dog is outdoors outside the owner's premises, the dangerous dog shall be kept on a fixed and secure leash no longer than four feet in length, under the control of a person who is at least eighteen years of age, and muzzled with a properly fitted, basket muzzle that prevents the dangerous dog from biting any person or animal but does not cause injury to the dangerous dog or interfere with its vision or respiration;

(9) Place a sign or signs provided by the animal control authority on the owner's premises informing the public of the presence and dangerousness of the dangerous dog; and

We urge the committee to pass SB 2692 to keep people and animals safe from harm.

Mahalo for your consideration.



AMERICAN
KENNEL CLUB®

Phil M. Guidry, J.D.
Director, Policy Analysis
Government Relations

Wednesday, February 21, 2024

The Honorable Karl Rhoads, Chair
Hawai'i Senate Judiciary Committee
Room 228, State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

RE: Due Process Concerns with Senate Bill 2692 (Dangerous Dogs)

Chair Rhoads and members of the Hawai'i Senate Judiciary Committee:

The American Kennel Club (AKC) promotes the study, breeding, exhibiting, and advancement of purebred dogs, and represents over 5,100 dog clubs nationally, including 40 clubs in Hawai'i. AKC advocates for the purebred dog as a family companion, advances canine health and well-being, protects the rights of dog owners, and promotes the ideals of responsible dog ownership.

AKC and our affiliated clubs are both happy and proud to serve lawmakers and communities by sharing with them our animal care and responsible ownership principles. **Today, we write to share some concerns with Senate Bill 2692. We respectfully request that the committee, including you as bill sponsor, amend the bill prior to further consideration.**

AKC supports reasonable, enforceable, non-discriminatory (i.e., breed-neutral) laws to govern the ownership of dogs, including laws that: establish a fair process by which specific dogs are identified as "dangerous" based on stated, measurable actions; impose appropriate penalties on irresponsible owners; and establish a well-defined method for dealing with dogs proven to be dangerous. To these ends, we support many of the provisions of Section 2 of SB 2692, including the following draft sections as described here:

- **Definitions**
- **Designation as dangerous dogs; basis**
- **Legal requirements of owner, in part**
- **Rescission of declaration**
- **Negligent failure to control a dangerous dog**
- **Inspection**
- **Exemption**
- **Civil action not precluded.**

However, AKC is concerned with parts of draft section **Impoundment of a dangerous dog**. In our view, the provisions of subsection (e)(2)(B) and of subsection (f) (page 14 of bill) will lead to a forfeiture of ownership by operation of law without affording a defendant an opportunity to appeal the impoundment, the assessment of fees, or the reasonableness of fees. We are of the same view of the mandatory spay/neuter requirement in subsection (a)(10) of **Legal requirements of owner** (page 8). Respectfully, a failure to provide an individual with those opportunities would result in a deprivation of procedural due process and an erroneous deprivation of property.

Founded in 1884; a not-for-profit corporation

8051 Arco Corporate Drive Raleigh, NC 27617 Tel 919-816-3600 www.akc.org

AKC believes that governments must protect constitutional rights and privileges of dog owners. Owners must be afforded substantive and procedural due process protections, and must not be permanently or unreasonably deprived of the property interests they have in their animals without first pleading guilty to, being found guilty of, or pleading “no contest” to, animal-related criminal charges.

In cases involving seized animals in which an owner does not voluntarily surrender ownership, laws that provide for the assessment of care costs upon a finding of probable cause of criminal activity must: limit such assessments to amounts that are reasonable, substantiated costs directly related to care of the seized animals; allow courts to waive such fees in cases involving an indigent defendant; provide for full refund of fees and interest in any case not resulting in a final adjudication of guilt or pleading no contest; and, absent the owner’s written consent, prohibit the spaying or neutering of, or performance of other elective non-therapeutic surgery on, any seized animal during pendency of a case.

We encourage the adoption of appropriate amendments to SB 2692 to ensure the due process rights of Hawai’i’s dog owners are protected.

Thank you for consideration of these concerns. Please feel free to contact me at (919) 816-3503 or phil.guidry@akc.org, or Lynn Muramaru of our Hawaiian federation of dog clubs, the Pacific Pet Alliance, at pacificpetalliance@gmail.com, if we may be of additional assistance on this or any other dog-related matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil Guidry", with a stylized flourish at the end.

Phil M. Guidry, J.D.
Director, Policy Analysis
AKC Government Relations

CC: Senator Michelle N. Kidani, SB 2692 Cosponsor
Lynn Muramaru – Pacific Pet Alliance



AMERICANS FOR DEMOCRATIC ACTION

OFFICERS	DIRECTORS	MAILING ADDRESS		
John Bickel, President	Melodie Aduja	Stephen O'Harrow	P.O. Box 23404	
Alan Burdick, Vice President	Juliet Begley	Shannon Matson	Maria Glodilet Rallojaj	Honolulu
Dave Nagajji, Treasurer	Robert Kinslow	Jenny Nomura	Bill South	

February 21, 2024

TO: Chair Tarnas and Members of the Judiciary and Hawaiian Affairs Committee

RE: SB 2692 Relating to Dangerous Dogs

Support for Hearing: February 27, 2024

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

Our ADA state board respectfully testifies on a personal basis in strong support of this bill. One of our board members is Shannon Matson, whose father, Robert "Bob" Northrop, was killed last August while walking on the street when four large uncontrolled dogs ran out from their owner's house and mauled him.

While we agree overall with this bill, we think that the potential criminal penalties are too low when compared to similar crimes, such as vehicular manslaughter. We believe that the bill should state that a person whose dog causes serious bodily injury or death should be exposed to a potential penalty of ten years imprisonment, which is the potential punishment for vehicular manslaughter.

Thank you very much for your consideration of our testimony

Sincerely,

John Bickel, President

SB-2692

Submitted on: 2/23/2024 6:49:44 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

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

Comments:

We refer to **Bill SB2692** which establishes requirements and penalties for owners of so-called dangerous dogs and allows for the impounding of those dogs under certain conditions.

This measure recognizes the terrible damage that can be done when one or more dogs attack without provocation. Dangerous dog violations are currently enforced by the counties and the penalties are an insufficient response to the worst attacks.

The current ordinances also fail to provide law enforcement with adequate tools to keep dogs safe and prevent harm to the community, and they result in dogs being impounded for long periods.

This Bill addresses those shortcomings in a variety of ways:

It creates a state-wide dangerous dog law, enabling a felony penalty for bites that maim or kill a person.

It standardizes rules state-wide.

It improves law enforcement tools with the goal of preventing bites.

It requires pre-paid boarding to reduce the damaging long-term impoundment of dogs.

(Our organisation contends that, as companion dogs are under the control of humans, a likely factor in this grave matter is that some owners have dangerously made the dogs conform to this pattern, so we would support an education programme to mitigate this risk.)

We beg to support the Bill.

SB-2692

Submitted on: 2/25/2024 6:45:45 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Teresa Tico	Individual	Support	In Person

Comments:

February 25, 2023

RE: SB No. 2692

Hearing: 2/27, 2024

I am writing **in support** of S.B. No. 2692. My name is Teresa Tico. I reside in the County of Kauai. Having been an attorney in private practice in the County of Kauai for 46 years, I have considerable experiencing representing dog attack victims. I am alarmed by the escalation of dog attacks in our community, the lack of enforcement of our County dangerous dog ordinance, and the travesty of dangerous dog owners getting off easy with leash law violations that result in no more than a \$100 fine despite the serious injuries inflicted upon the dog attack victims. It is about time our State Legislature steps up to the plate and passes a law with real teeth that will hold dangerous dog owners accountable for more than a \$100 fine. There must be a Class B felony penalty where the dog attack results in serious bodily injury or death.

Presently, I am representing four dog bite victims, in separate incidents. Three of the victims were walking their small dogs on a leash when an unleashed large dog attacked the small dog. Each of the victims picked up their small dog to protect it and each victim was bitten on the hand by the large, unleashed dog. In one of the cases, the small dog was killed by the large dog (a pit bull). In two other cases, the small dogs were seriously injured and required emergency veterinarian treatment. Each of my clients required emergency medical attention for their bite wounds.

The fourth victim I represent was walking on his neighborhood road when he was attacked by a pack of unleashed dogs, including a pit bull that earlier attacked another neighbor. My client suffered 47 bite wounds and nearly bled to death. This occurred over a month ago and no Animal Control officer has removed the dogs from their owners' property, and no charges have been filed.

I, personally, was attacked by a pit bull on July 31, 2023. After numerous unanswered calls to Animal Control, I called the police department who called a private number they don't give out to the public. Only then did an Animal Control officer pick up the unleashed, dangerous dog that was still wandering around our neighborhood, and had attacked one of my neighbors a few hours after I was attacked. Despite my request to let me know the name of the owner and if they picked up the dog, no one called me for over a week. When I finally contacted Animal Control, I was

told the dog was released to the owner and they "forgot" to let me know. I wrote my own report because no one showed up to interview me. I submitted my report to the Humane Society and Kauai Prosecuting Attorney's office. Months later, the dog owner was finally charged with leash law and dangerous dog violations. But he was let off with a leash law violation and \$100 fine because, according to the Prosecutor, the Animal Control officer moved off island and couldn't be called as a witness.

One of my clients had to hire a private investigator at her own expense because the police told her they couldn't locate the owner of the dog (a pit bull) that killed her small dog, and bit into and mauled her hand. Had the private investigator not located the dog owner, I doubt any charges would have been filed. To date, the dog has not been apprehended and remains on the owner's property.

I could go on and on. Bottom line, **we need a State criminal statute allowing for Class B felony charges to be brought against the owner of a dog that inflicts serious injury or death upon a person.**

We also need to train Animal Control officers to write Incident Reports that will be useful to the prosecutors. On Kauai, the Humane Society in charge of these reports, not the Kauai Police Department. If we can't provide training to Humane Society Animal Control officers, then authority should be returned to the Kauai Police Department. Also, there should be deadlines for dangerous dogs to be apprehended. Allowing the dogs to remain with their owner results in continuing trauma to the dog bite victims, their families and neighbors. In another one of my cases, after the dog attack, the dog owner was allowed to keep the dog on her property and the dog has gotten loose several times. Animal Control has done nothing about it. My client and her neighbors are terrified of the dog. This dog has killed several animals in the neighborhood yet Humane Society won't apprehend it.

In summary, pass this bill but allow for a Class B felony in cases of serious bodily injury or death. Provide for mandatory training of Animal Control officers so they know what the prosecutors need to bring charges that stick. And, provide for a deadline for the apprehension of a dangerous dog following an attack.

Sincerely,

Teresa Tico

Teresa Tico

PO Box 220

Hanalei, HI 96714

(808) 639-9080

SB-2692

Submitted on: 2/26/2024 9:34:47 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Deborah Ward	Individual	Support	Written Testimony Only

Comments:

ALOHA, LEGISLATORS,

Thank you for your work. My name is Deborah Ward, and I am a 60 year resident of Hawaii nei.

This bill needs your SUPPORT. We have sadly experienced several Hawaii County residents whose lives have been tragically and violently cut short by vicious dogs, whose owners fail to secure their animals. Other residents, such as a nine year old girl walking home from school, have lost an eye, a limb, and experienced severe trauma. My dear friend has just lost her father to a pack of four dogs in a local subdivision. I met a woman recently, who is now paralyzed and wheelchair bound due to an injury caused by a neighbor's dog that leapt over her fence.

I also have a personal reason for asking for your support on this matter.

I have a farm growing ulu, kalo, bananas, cacao, and citrus. In 2014 I was working on my farm, when two pitbulls owned by guests of my neighbor entered my farm unleashed and knocked me to the ground. One bit my legs, and created a gaping hole in my calf and thigh. The other went for my face, but I fended him off with my arm, and that dog broke open my arm, shook his head violently, and broke the bones in my hand and finger. Nine years later, I am still unable to use the fingers in that hand. Because there was the possibility that I would be suing, therefore putting payment in jeopardy, Queens hospital refused to take me, already prepped in the helicopter. For the same concern, Hale Anuenue refused to allow me to receive occupational therapy there. So I had less than optimal repair surgery and expensive self-pay therapy, none of which was reimbursed by the neighbors or dog owners. The dog owners experienced zero penalties!

I am glad that you added a measure of required monetary compensation to the victim or family for these injury and "manslaughter" events, and remember that victims that are not killed still have painful, lifechanging and expensive outcomes.

As to amendments, I do not believe that a fine of \$1000 would be sufficient to be a deterrent, however, and urge a larger fine.

Thank you for supporting this bill.

Aloha Chair, Vice Chair, and Committee Members,

I am testifying in strong support of SB2692. My father was killed in August of 2023 by 4 loose dogs that I believe attacked another individual months prior. As I have continued to advocate for stricter laws, better enforcement of our current laws, and any sort of accountability for the dog owners I discovered that there is no State legislation regarding dog owners if a dog injures or kills another animal or human. This bill would fix that oversight.

I wanted to be sure to mention that I agree with the small changes made to the companion bill of HB2058 after its hearing in the House Committee on Judiciary and Hawaiian Affairs and would support those being incorporated into the final bill.

Lastly, while I agree overall with this bill, I think that the potential criminal penalties are too low when compared to similar crimes, such as vehicular manslaughter. I believe that the bill should state that a person whose dog causes serious bodily injury or death should be exposed to a potential penalty of up to 10 years imprisonment, which is the potential punishment for vehicular manslaughter. This would also bring this bill into alignment with the comprehensive and widely supported Hawai'i County Ordinance that was passed on this topic in 2022. While of course a more severe punishment would only be used in the most severe of cases, it seems wrong to not allow for a potential Class B felony if an attack results in death, especially if those dogs have been declared dangerous in the past. Please make this amendment to pass a bill that will truly allow future victims and their families to seek the justice they deserve and make our communities safer for all.

Below I am attaching the original letter I emailed to many legislators at the start of this legislative session. I would like to include it again for your review or if I missed sending it to you at the onset of this session.

Mahalo,
Shannon Matson
Hawai'i Island Resident

Date:

January 10, 2024

Subject:

Urgent Appeal for Dangerous Dog Legislation

From:

Shannon Matson
Hawai'i Island Resident
shann.matson@gmail.com
(808)937-3037



Aloha members of the 2024 Hawai'i State Legislature,

My father, Robert Northrop, a longtime Hawai'i resident, lost his life in a tragic dog attack while walking in Hawaiian Ocean View Estates on August 1, 2023. He was mauled and bled to death before emergency personnel were able to transport him to the hospital. It has been over five months, and the owners of the dogs responsible have faced no consequences or accountability.

The existing County law, passed in 2022 in response to other kūpuna who have been attacked or killed in similar situations, lacks enforceability due to inconsistencies between State and County regulations. Unfortunately, as comprehensive as the Hawai'i County dangerous dog ordinance is, our family has found no relief from the County Prosecuting Attorney's office. They informed us that until the State Legislature passes a law, allowing for dog related deaths to be prosecuted as felonies, our county law is unenforceable.

This issue extends beyond just the Big Island, affecting those throughout Hawai'i. Almost all dog attacks are preventable. Keiki and kūpuna suffer severe injuries and deaths at a much higher rate than the general population, we need our leaders to protect our most vulnerable community members. The immediate implementation of comprehensive legislation will send a powerful message to negligent owners and help prevent further tragedies.

Urgent action is needed at the State level to allow for the prosecution of dog-related deaths as felonies. While a new law will not bring back our father, we want his death to not be completely in vain. Stricter legislation will keep our community safer, our dogs safer, and other animals safer as well. My father was an animal lover, and despite his tragic end, our family will receive some peace in knowing that something has been done to help avoid the needless injury or death of even one more innocent animal or human. As an animal lover and pet mama myself, I believe it is important to add that ultimately this legislation is less about dangerous dogs and more about irresponsible and negligent humans.

In memory of my father and others lost to preventable dog attacks, I implore you to please pass dangerous dog legislation this session. Your swift action will make our neighborhoods safer and honor the legacy of those who have suffered.

SB-2692

Submitted on: 2/20/2024 1:54:37 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Cecily Williams	Individual	Oppose	Written Testimony Only

Comments:

Testimony AGAINST SB2692

Back in February 2023, I rescued a dog, a pit-bull mix, from the Hawaiian Humane Society. From the start, she seemed to be a calm dog and very well-mannered, and I was so happy that I saved her. She provided me companionship while my husband was working on the island of Maui.

Immediately I started to train her myself, but it seemed that she was somewhat trained maybe by her previous owner. Everything was going well, until September 17th, when my son came over and left the garage door open for just a moment. My rescued dog ran out of my house and through the opened garage door; and bit a lady who was passing by my house, on the sidewalk, at that same moment. From this one incident, I didn't realize how this dog bite would impact my life.

I helped the lady; she came into my house so that I could treat her injury. I called the police, who in turn called the ambulance because she wanted to get checked out by a doctor. She had a few small cuts on her knee from the bite and I could see that she was shaken up from this ordeal. I felt empathetic for her.

After she was taken by ambulance, I was served with a citation for my dog biting the lady; and a month later I was at the Wahiawa Civil Court to pay a fine, at least that's what the police officer said, "You'll just have to go to court to pay a fine." However, I couldn't believe my ears that I was served by the State of Hawaii for a DANGEROUS DOG ATTACK. CRAZY that this is the same rescued dog that the Hawaiian Humane Society deemed safe to go home with me!!

Since the initial court appearance, I've had two more court appearances and I still have two more upcoming dates. I will have to pay a fine plus restitution when this is all done. All this for a rescued "pit-bull mix", that I have no idea about her background and who previously owned her to make her attack someone out of the blue.

Right after the bite incident, I reached out to a dog trainer to train my dog. She underwent a two-week extensive course of hands-on training at the dog trainer's house, for a pretty price of \$2600. Today, she is trained and very well-behaved and I trust her now. She is a loved member of my family.

But I wouldn't wish this on anyone. DON'T RESCUE A DOG! You're getting someone else's problem. If I could do it again, the answer would be to buy a puppy at the store and raise it to be a really good dog. That's how it was for all my previous dogs, just this one. I can't go backward now, all I can do is go forward and face my next two court dates; and hope that the consequences of rescuing a dog from the Hawaiian Humane Society will be okay. I'll never do this again!!!

SB-2692

Submitted on: 2/21/2024 9:44:26 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Lorene Maki	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Members of the Committee,

I strongly oppose SB 2692. Thank you for the opportunity to testify. Lorene Maki

SB-2692

Submitted on: 2/21/2024 10:42:40 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
CK	Individual	Support	Written Testimony Only

Comments:

Dogs are often seen as a “Man’s Best Friend”. Typically, dogs are cute furry animals who protect their owners. For the most part, when you pass a dog while walking past their house, they will just bark at you. However, some dogs try to jump the fence, bite, or chase you. While most owners do a good job of keeping the dogs in their yards and on a leash, some are negligent.

For me, I experienced the negligence of an owner when I was around the age of 4. It was a normal day when I was riding my bike around my neighborhood. Unfortunately, as I passed this one house in particular, their 3 legged dog was often aggressive. As I rode my bike past that house, the dog ran out of the garage and chased me. Without my parents there, the dog would likely have bitten me. With nothing to provoke the dog, it still decided to chase me.

I believe that the owner is responsible for leashing those types of dogs even if they are in their garage. If the dog can chase me that easily, then there is a problem with how the dog is maintained. It should be required for dogs to be leashed and kept away from harming others in the surrounding area. If the owner is not able to do so, they should not be allowed to have the dog and in that situation, the dog should be impounded.

SB-2692

Submitted on: 2/21/2024 3:14:16 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Abby Simmons	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and esteemed Members of the Committee,

My name is Abby Simmons from Hawai'i Island and I am testifying in strong support of this measure (SB2692), with request for amendment.

There are no guilty animals. The responsibility of the proper care and securing of dangerous dogs falls solely on the animals' owner.

Sadly, as we have seen, the negligence of some owners has resulted in serious injuries and death to humans and other animals alike. This is a serious problem that should result in serious penalties for negligence.

Therefore, I would humbly ask the committee to support this bill and amend the bill to increase the potential criminal penalties, to compare to similar crimes, such as vehicular manslaughter. A person whose dog causes serious bodily injury or death should be exposed to a potential penalty of 10 years imprisonment, which is the potential punishment for vehicular manslaughter.

Mahalo nui loa for your consideration.

Abby Simmons

SB-2692

Submitted on: 2/21/2024 3:57:41 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Alice Cadow	Individual	Support	Written Testimony Only

Comments:

I fully support the impounding of dangerous dogs. I was attacked by my neighbors pit bull and 3 months later am still doing physical therapy for the wound site. It was a very traumatic event, requiring recovery for PTSD and the actual bite. I also urge that once the dog is impounded, there be a procedure to decide if it should be euthanized. If impounded, are we just going to keep it in a cage until it dies? If impoundment is the only recourse, I fully support that so that the dog will not harm anyone else.

SB-2692

Submitted on: 2/21/2024 8:01:39 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Vivian S. Toellner	Individual	Support	Written Testimony Only

Comments:

Aloha, I support this bill. I know victims of two different dog attacks here on the Big Island of Hawaii. My neighborhood - Fern Acres, has been posting locations of dangerous dogs online, to warn people out taking walks in the community. This problem will only increase as the population of Hawaii increases. Please be proactive now. Mahalo.

SB-2692

Submitted on: 2/21/2024 9:22:34 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Maki Morinoue	Individual	Support	Written Testimony Only

Comments:

Aloha

I am in urgent support for SB2692.

Since I was a kid in Hawai'i, now middle-aged, we had kids, adults, and kupunas severely injured and traumatized by vicious dogs. In August 2023, a pack of four dogs killed a man named Bob Northrop. He was the father of a respected community member on Hawai'i Island.

What is most angering is that our leaders have let the dogs go back to their owners with no charges for generations. This sends a message that the system does not care about the people and the community's safety. Many return home terrified to walk in their neighborhood after an incident like this, and they have to change their routes and routines to avoid the dog(s) that attacked them. Bob Northrop wasn't even given that chance.

This bill creates responsibility and consequences we have been waiting for. Now is the time to pass this into law.

We need leaders who look out for our people, and this is one way to do just that.

Mahalo
Maki Morinoue
Hōlualoa
96725

SB-2692

Submitted on: 2/21/2024 9:49:20 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Cory Harden	Individual	Support	Written Testimony Only

Comments:

Aloha legislators,

Please pass this long overdue bill.

I know Shannon Matson, whose father was killed by dogs that were known to have caused problems before.

I have another friend who was attacked by two dogs who came onto her property. She is lucky to be alive, but has permanent injuries. The County refused to prosecute the owner.

I met another woman who was attacked by two dogs who each locked on to one of her ankles. A friend had to risk her own safety to chase the dogs away.

We must stop these horrific and totally preventable attacks.

mahalo, Cory Harden

SB-2692

Submitted on: 2/22/2024 7:09:51 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Denise Light	Individual	Support	Written Testimony Only

Comments:

I am a resident of Hawaii island and this legislation is needed. I have been attacked in my own neighborhood by a loose dog. Please pass this bill and require dog owners to be more responsible. Also, some dog breeders are purposely raising and training vicious dogs.

Mahalo

SB-2692

Submitted on: 2/22/2024 8:46:48 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Nikiya White	Individual	Support	Written Testimony Only

Comments:

Aloha, I am writing in support of SB2692. Our island needs stricter laws for dog owner negligence and dangerous dogs. There should be fines and penalties in place based on number of occurrences and severity. Taking away or putting down vicious dogs isn't enough. There's nothing preventing the owners from getting more dogs. There's no prevention of these dogs from also becoming vicious or continuing to breed more and more dogs. There is no accountability of the negligent owners to keep their animals secured, neutered, licensed/registered etc.

As a dog lover and owner, I have strived to be "responsible." I provide shelter, food/water, care, love, monthly preventative medicines, and annual checkups for my dogs. They are microchipped, spayed and properly licensed and registered.

Meanwhile, I personally have encountered stray/loose dogs in my neighborhood and on multiple occasions loose dogs have come onto my property. They have chased, terrorized and corned my sheep/goats. I have had chickens go missing with only gobs of feathers to be found. On one occasion, a loose dog jumped out of the bushes and started growling ferociously at my children and I as we were enjoying a quiet morning walk down the road. What am I to do in that circumstance?

It pains me to hear about dog attacks occurring at an alarming rate. This is affecting children, adults and our elderly alike. This affects our pets and livestock. It doesn't feel safe to walk down neighborhood roads without the possibility of getting harmed and/or killed. It doesn't even feel safe to be at home because at any time someone else's dogs could come into our property.

Who is to be held responsible for this? Who is responsible when our animals/livestock or our family member is hurt or killed?

Something desperately needs to be done. I urge you to please hear our community's concern. I urge you to please take immediate action.

Mahalo!

Nikiya White of Mountain View

Joeyandnikiya@gmail.com

808-895-6053

SB-2692

Submitted on: 2/22/2024 8:52:39 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Connie	Individual	Support	Written Testimony Only

Comments:

Aloha all,

I am from Volcano on the big island and am in support SB2692. Please pass this bill, so there will be stronger and more enforceable legislation to protect families and communities from dangerous dogs. Families and communities need to feel safer and know that any dog injury or dog related death will be prosecuted. There needs to be accountability on the part of dog owners. My friend Bob Northrup passed away in Oceanview on the big island this past August and the family is still waiting for resolution. Please help them and all future individuals. I know of individuals on the big island who are afraid to walk in their own neighborhoods, due to dogs that have lunged at or bitten people in their areas.

Please help!

A concerned resident

SB-2692

Submitted on: 2/22/2024 11:24:56 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrew Pendleton	Individual	Support	Written Testimony Only

Comments:

Aloha,

I whole heartedly support SB2692 for the sake of innocent people & children.

Pet owners need to be held accountable for aggressive pets and animals brought into public areas.

Likewise, animals that have attacked innocent people or pets in public need to be prohibited from public areas thereafter and sometimes put to rest.

Mahalo for your consideration, Andrew

Andrew Pendleton

aloha@andrewpendleton.com

808.346.7821

SB-2692

Submitted on: 2/22/2024 3:08:16 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Tracey Lambe	Individual	Support	Written Testimony Only

Comments:

My friend is one of the people here on the Big Island who lost her father to a horrendous dog attack. He was just one of several people who have suffered as a result of vicious, unrestrained dogs and their irresponsible owners. My husband and dog were also injured in a an unprovoked attack by a loose dog in our neighborhood; my dog nearly died as a result and my husband needed surgery on his knee. This is but one of many stories you may have heard as this legislation has worked its way through the system. Let's have laws in place to protect our people and to hold dog owners accountable for managing their animals. Please vote yes on this bill. Thank you.

SB-2692

Submitted on: 2/22/2024 3:30:58 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Donia Khalifa	Individual	Support	Written Testimony Only

Comments:

I support this bill because I strongly believe everyone has a right to feel safe walking in their own neighborhoods. Being attacked by loose dogs can not only cause deep trauma to those who are attacked but it could also be fatal for both pets and people. We have recently seen such horrific outcomes in Hawaii and I know there have been many close calls as well. The threat of roaming dangerous dogs needs to stop and people that have these types of animals need to be held accountable. I am hopeful that with the passing of SB2692 we can prevent further tragedies from happening due to dangerous dogs.

SB-2692

Submitted on: 2/22/2024 4:16:23 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Nandita Sharma	Individual	Support	Written Testimony Only

Comments:

I strongly support this measure and encourage you to do the same. As someone who has been attacked by a pack of dogs as a child, I can attest to the urgency of this legislation passing. Current measures to address the issue are wholly insufficient and this legislation helps to strengthen them. I am particularly pleased that this legislation would require pre-paid boarding to reduce the damaging long-term impoundment of dogs.

Thank you for your consideration.

SB-2692

Submitted on: 2/22/2024 5:00:10 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

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

Comments:

This really should be a no brainer please pass this bill SB2692. Hawaii should not become known as the state where it is ok for your dog to injure or kill a person and have no consequences. We need to make Hawaii a safer place and passing a bill so people have consequences for how they take care of there animals would be a good start. I am pleading with you please pass this bill. My 2 daughters are still waiting for some justice for their fathers death by dogs last August. So far no Aloha.

Stephanie Northrop

SB-2692

Submitted on: 2/22/2024 5:13:10 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

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

Comments:

I support SB2692. I live Sunset Beach, Oahu.

SB-2692

Submitted on: 2/22/2024 9:10:20 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

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

Comments:

I reside on Oahu, and reading these awful stories is heart wrenching. Please do all you can to alleviate the horrifying torture this community has been suffering.

SB-2692

Submitted on: 2/23/2024 5:12:07 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Anthony Fisher	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill as we are dealing with a serious aggressive stray dog problem on big island. Animal welfare in general is a horrible problem, and aggressive loose dog packs are a deadly symptom of it. While I agree overall with this bill, I think that the potential criminal penalties are too low when compared to similar crimes, such as vehicular manslaughter. I believe that the bill should state that a person whose dog causes serious bodily injury or death should be exposed to a potential penalty of up to 10 years imprisonment, which is the potential punishment for vehicular manslaughter.

SB-2692

Submitted on: 2/23/2024 9:09:55 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

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

Comments:

Please support this important bill which will help prevent dangerous dogs from harming people and other animals.

SB-2692

Submitted on: 2/24/2024 7:29:34 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

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

Comments:

Please pass this bill. Many of us has read about the horrible dog attacks that have occurred on West Oahu and on the Big Island. Human life has been lost as a consequence of loose dog attacks without oversight. Passing this bill will prosecute those whose loose dogs bite individuals resulting in injuring ot killilng the person and creates improved law enforcement tools to prevent injury from dogs from being initiated in the 1st place.

SB-2692

Submitted on: 2/24/2024 7:37:50 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Michele Baker	Individual	Support	Written Testimony Only

Comments:

Please pass SB2692.

many people on Hawaii Island have been severely injured or even killed by dangerous dogs that have not been secured by their owners.

on Walua road where many people walk every day and there has been a dog that has attacked multiple people and the owner is aware but does nothing to contain the dog because there's no serious penalty.

if dog attacks were a felony, people like her would take responsibility for not letting their dog roam free.

I find it outrageous that the owner of a dog that mauls or kills is only charged with a misdemeanor or fine.

SB-2692

Submitted on: 2/24/2024 9:05:15 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
john matson	Individual	Support	Written Testimony Only

Comments:

Aloha,

mahalo for hearing SB2692. My father-in-law, Bob Northrop, was killed by four dogs in Ocean View, in August 2023. There will be no consequences for the owners of the dogs and there will be no closure for my wife and family. Please help us change this reality, so that no family has to go through this again with no consequences. I believe any dog owner whose dogs kill another person should face at least 10 years in prison and pay at least a \$10-\$15,000 fine. Mahalo for your time and please support this bill.

John Matson

puna resident

SB-2692

Submitted on: 2/24/2024 12:02:12 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
M. Leilani DeMello	Individual	Support	Written Testimony Only

Comments:

Aloha,

Kāko‘o piha au i kēia pila. I STRONGLY SUPPORT this bill to keep our neighborhood safe from dangerous dogs. My son was bit near our house and it could have been prevented if the dog owner was a responsible owner and had taken the appropriate safety measures to contain their dog. There are senseless attacks happening resulting in pain, stress, trauma, and even death. Enough is enough.

Mahalo,

M. Leilani DeMello

‘Ōla‘a, Puna, Hawai‘i

SB-2692

Submitted on: 2/24/2024 12:26:28 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessie L Gonsalves	Individual	Support	Written Testimony Only

Comments:

There have been too many deaths by dangerous aggressive loose dogs. This needs to stop and owners need to be held responsible not the dogs. I fully support this bill!

SB-2692

Submitted on: 2/24/2024 12:27:32 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

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

Comments:

This bill addresses shortcomings in current law:

- It creates a statewide dangerous dog law, enabling a felony penalty for bites that maim or kill a person.
- It standardizes rules statewide.
- It improves law enforcement tools with the goal of preventing bites.
- It requires pre-paid boarding to reduce the damaging long-term impoundment of dogs.

SB2692 – Relating to Dangerous Dogs

Testimony in SUPPORT from James NELSON

Committee on Judiciary February 27, 2024 9:32AM Room 016

Chair Rhoads and members of the committee:

Thank you for scheduling this bill for hearing and for allowing me to testify in support.

This measure apparently seeks to import the Revised Ordinances of Honolulu (ROH) 12-7 provisions on dangerous dogs into Chapter 142 of Hawaii Revised Statutes (HRS), albeit with considerably stiffer penalties. Perhaps the Attorney General could opine as to whether similar conduct resulting in such dissimilar penalties (petty misdemeanor for first offense under ROH as opposed to potential C-class felony under proposed new HRS) presents a so-called “*Modica* problem,” with the possible result that only the crime with the lesser penalty can be charged. If so, unless ROH 12-7 is revised or repealed, then perhaps the language of this measure needs to be revised to characterize the prohibited conduct in different terms.

Putting that question aside, as someone who was attacked on both legs by an unprovoked off-leash dog in a public park in summer, 2021, I certainly support the concept of trying to hold dog owners responsible for the acts of their dangerous animals by means of more serious criminal penalties. I was essentially incapacitated for about 3 weeks, and underwent continuous medical treatments for nearly two months before the wounds healed and I could resume a normal life. The dog owner, who was issued an ROH 12-7 citation, failed to show up in court and was issued a bench warrant. That is where the case stands to this day. To my knowledge, the dog was never impounded. Hawaiian Humane Society told me that they were powerless to do so without a court order, which of course will not happen until the defendant is adjudicated. It did occur to me during my recovery that, had it been a person who had injured me in a similar manner, e.g. with a knife or sharp tool, the crime would likely have been charged as 707-711 second-degree assault, a C felony.

As for the details of SB2692, I do note that the measure utilizes the HRS 707-700 definition of “bodily injury” but uses a non-HRS definition of “serious bodily injury” that appears derived from ROH 12-7.8. Also, the measure does not include any definition of “substantial bodily injury” as appears in HRS 707-700. In addition to being somewhat confusing to different law enforcement personnel, one could argue that serious dog bite injuries most closely resemble “substantial bodily injury” (as a “major avulsion, laceration or penetration of the skin”) even if they do not result in “serious bodily injury” under HRS or under this measure. X-rays of my injury (mandatory by Kaiser ER procedure for bites on shin) showed the bone was not injured, but the surface gash was extensive enough to result in a severely raised egg-shaped hematoma, about 2”x 4”, which did not begin to recede for several weeks. If one technically considers the skin an “organ,” then I suppose the language in this measure includes a large gash or gashes.

As I was told by multiple doctors, it is standard practice not to use stitches on dog bite injuries, because dogs' teeth and saliva contain numerous dangerous bacteria, which need to be allowed to ooze back outside the body over many days rather than be sealed in by sutures. The risk of serious infection or sepsis is not a minor one. I was on two courses of antibiotics for nearly one month after the injury. I had to clean and dry and apply ointment to the largest wound very carefully without any submersion in water, and was instructed to keep my leg raised as much as possible 24/7 for several weeks. Healing a wound in this manner is more painful and obviously takes longer than if stitches are used. The inconvenience to daily activities is severe. I can assure you it is also visually repulsive and results in anxiety. But, as noted above, it is standard practice for dog bite injuries.

I see that the measure uses only discretionary language with respect to impoundment of dogs that have caused bodily injury to a person other than the owner. I realize that (on Oahu, at least) the Hawaiian Humane Society may have capacity and personnel issues. That said, it might be helpful to at least include language that requires, e.g.

“An enforcement officer shall, in every case of a dangerous dog that has caused serious bodily injury to a person other than its owner, contact local animal control authority regarding the incident. If the owner admits that its dog was the cause of the injury, the officer shall make reasonable efforts to persuade the owner to have the dog immediately impounded or destroyed.”

I have learned that this is sometimes the practice on Maui, with contemporaneous assistance from the local animal control authority, and that owners are frequently willing to relinquish their animal on the spot after a serious incident. That act alone can result in substantial relief and closure for the person who has been injured.

Thank you for the opportunity to provide testimony on this measure.

James Nelson

SB-2692

Submitted on: 2/24/2024 4:19:58 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

STRONGLY SUPPORT!!!

SB-2692

Submitted on: 2/24/2024 5:05:54 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Anna Schamber	Individual	Support	Written Testimony Only

Comments:

I, Anna Schamber of Kailua Kona am in support of SB2692. I need to see that dog owners are actually held accountable when dog kills a human. I can't believe my father was mauled to death by a pack of dogs and the owners have had zero consequences. They have been able to go on with their lives while me and my family having be grieving for months. There will be more attacks if we don't start making the dog owners take responsibility of their pets. My father was walking to a friends house through his neighborhood when he was ripped apart. That's a horrific and painful way to die. Since my fathers death there have been two more horrible attacks in our state. One that left an 8year old boy with a broken leg, broke upper eye bone and stitches to his scalp. The other attack was on a 10 year old boy playing outside in Ewa beach who's arm was severely damaged and face had claw lacerations. These dog attacks happen to our most vulnerable, our keiki and our kupuna. Please let's make it safe to walk outside and play in our yards. Let's make this law make sense.

SB-2692

Submitted on: 2/24/2024 5:53:44 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Patti Cook	Individual	Support	Written Testimony Only

Comments:

I support SB2692 relating to dangerous dogs. Recent horrifying events here on Hawai'i Island confirm the urgent need to pass this bill. Thank you. Patti Cook (D8 - Waimea, Island of Hawai'i)

SB-2692

Submitted on: 2/24/2024 7:08:02 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Leimomi Khan	Individual	Support	Written Testimony Only

Comments:

Aloha, support intent of this bill and its companion bill, HB 2058. Approximately two years ago, my best friend's brother did his daily walk with his dog in his neighborhood in Palolo. They were attacked by a dangerous dog, resulting in the death of the little dog and injury to its owner. It was a traumatic experience to say the least. This bill would help such dog owners to seek rightful justice and public safety, while at the same time take a strong stand for animal welfare. Thus, urge your support of this measure with amendments to address the concerns raised by the Attorney General on HB2058.

SB-2692

Submitted on: 2/24/2024 11:16:34 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Amy Fine	Individual	Support	Written Testimony Only

Comments:

Please pass this bill. I personally know people who have been attacked, and my friend's father was killed by vicious dogs. Owners of vicious animals need to be held accountable for injuries that occur from their negligence and mistreatment of animals.

SB-2692

Submitted on: 2/25/2024 1:23:19 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Cynthia Punihaole Kennedy	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Judiciary Committee

I am in strong support to establish requirements and penalties for owners of dangerous dogs. It is important to protect our community and keep them out of harms way.

I humbly ask for your support to make owners accountable for their pets.

Mahalo

Cynthia Punihaole Kennedy

Kalaoa Kona Hawaii Island

SB-2692

Submitted on: 2/25/2024 3:59:40 AM

Testimony for JDC on 2/27/2024 9:32:00 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 2692 as it would, to my understanding, improve current laws on dangerous dogs. Rules would be standardized, law enforcement tools would be improved and prepaid boarding would be required which should reduce the damaging effect of long term impoundment of dogs.

Again, please support SB 2692.

Mahalo.

Jennifer Chiwa

Makiki

SB-2692

Submitted on: 2/25/2024 8:27:03 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Sue Felt	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am a senior with a neurologic disease. I have had a service dog for over nine years. A member of my neighborhood recently got a pit bull type of dog that occasionally gets loose. It has attacked or menacingly threatened dogs and people walking in the area. I am terrified that this close-by neighbor's dog will attack me and my service dog when we need to go out for a walk. The police have been called, animal regulation has been notified, and the dog remains. The owner cannot manage the dog. I would not be able to defend myself or my dog if threatened or attacked.

PLEASE pass some legislation to protect innocent people from loose dogs. The current situation is not tolerable and complaints to law enforcement and humane society or animal regulation have not resulted in the owner properly managing the dog. Four neighbors (including me) have had to buy pepper spray, which can be a hazard to use, but we live in fear of attack.

Cordially,

Sue Felt

SB-2692

Submitted on: 2/25/2024 9:00:29 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Thomas Bottrell	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill.

SB-2692

Submitted on: 2/25/2024 9:30:58 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Tane Datta	Individual	Support	Written Testimony Only

Comments:

Aloha,

Neighbor's dogs have attacked our families dog, cats, sheep and 11 yr old daughter on our own property. Attempts to reason with the neighbors, even with support of local police have been met with contempt and no action to restrain the pit bulls. The police do not have sufficient legal support to do more about the situation but would like too. Offhand comments are to poison the dogs, which is both horrible and would lead to people to people violence. I don't want the dogs dead just restrained. Without legislation, that seems to be the only option to protect both animals and children.

SB-2692

Submitted on: 2/25/2024 11:16:37 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

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

Comments:

I am in support of SB2692. There needs to be a law holding owners responsible of their animals that cause harm, distress and death. My friend lost her father due to vicious dog attack and the owners are able to still own dogs. Where is the justice and accountability?

SB-2692

Submitted on: 2/25/2024 11:35:43 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Krista Skehan	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of Accountability for Dangerous Dog Owners

Ladies and gentlemen,

I stand before you today as a concerned citizen, a parent, and a member of our community, to advocate for a law that holds dangerous dog owners fully accountable for their animals. It is imperative that we address this issue with urgency, as the safety and well-being of our society are at stake.

I firmly believe that dog owners must bear 100% responsibility for the actions of their pets, regardless of the circumstances. All too often, we hear stories of innocent individuals, including children, being terrorized by aggressive dogs roaming freely in public spaces. These incidents are not only alarming but also entirely preventable.

Living on an island without adequate legislation to protect us from dangerous dogs roaming freely is a terrifying reality. I have personally experienced situations where aggressive dogs have posed a threat to myself and my children. I shudder to think what could have happened if those dogs had not been confined behind a fence. It is simply unacceptable to live in fear of encountering dangerous animals in our own neighborhoods.

The lack of accountability for dangerous dog owners perpetuates a cycle of negligence and irresponsibility. It enables individuals to shirk their duty to properly train and control their pets, putting the entire community at risk. We cannot turn a blind eye to this issue any longer.

Therefore, I urge you to support the enactment of a law that holds dangerous dog owners fully accountable for the actions of their animals. This law must ensure that owners take all necessary precautions to prevent their dogs from posing a threat to others. It is not only a matter of public safety but also a moral imperative.

Let us come together as a community to protect ourselves and our loved ones from the dangers posed by irresponsible dog ownership. Let us send a clear message that dangerous dogs have no place roaming our streets. Together, we can create a safer and more secure environment for all.

Thank you for your attention to this critical issue.

SB-2692

Submitted on: 2/25/2024 12:13:46 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Paul W.	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support SB2692. Please help us hold dog owners accountable who let their dogs kill someone. It should be a felony and 10-yrs in prison and a 10k fine. Mahalo!

Paul (Honolulu resident)

SB-2692

Submitted on: 2/25/2024 1:07:08 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Frank J. Davis, DC	Individual	Support	Written Testimony Only

Comments:

On January 25th, 2024, I went for a walk on my walking course. I have walked that course hundreds of times without incident. On that day about 10 minutes into the walk, Waewae Rd in Kalaeo, on Kauai, I heard growling behind me. The next minute I was surrounded by 4 dogs, a pit bull and 3 smaller dogs. They immediately began to bite my legs from below the knee to the top of the ankles. I had no idea how I could escape the situation. I knew I had to stay upright or I was dead. I began to yell for help because the wounds were severe and bleeding profusely. A neighbor came running armed with a stick and chased the dogs away. I sat down to assess the injuries. The most severe was the bite behind the left knee, which severed an artery. Another lady arrived in a pickup truck, she called 911. The two of them helped me get a tourniquet to slow the bleeding. The fire department arrived and put a medical tourniquet on to control the bleeding. The ambulance arrived and transported me to Wilcox hospital in Lihue. There were approximately 46 puncture wounds, 17 staples to close the wounds. Within 24 hours the legs swelled up making it impossible to walk.

I could have died on the road had the people not come to my aid. Being a Chiropractor with medical education I knew how serious the bleeding was. These were 4 very dangerous and aggressive dogs.

The Police and Humane Society captured the dogs and contained them overnight at the Humane Society facility. The next morning the dogs were released to 2 different owners. These dangerous dogs are still in the community and the owners have not been held liable.

I have been a Chiropractor on the Island of Kauai since 1984. I was not able to return to my practice for 4 weeks due to the severity of the wounds and length of time to heal. Not only was I not able to work and earn a living, since I am self employed, the people who needed Chiropractic care went without treatment.

Owners need to be held liable for the actions of their dogs.

Dr. Frank J. Davis, DC

SB-2692

Submitted on: 2/25/2024 1:40:16 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
David-John Schamber	Individual	Support	Written Testimony Only

Comments:

I am in support of bill SB2692, establishing requirements and penalties for owners of dangerous dogs. I believe that it is imperative to hold dog owners responsible for their dogs' actions. It is atrocious to hold no dog owner responsible in cases where dogs have killed members of the community. It is the dog owners themselves who are responsible and are at fault, not the animals. Ethusanimizing the offending animals is not enough. Dog owners themselves need to be held responsible to the fullest extent of the law. Especially if a death is involved. If owners are not held accountable for the animals they keep, then where is the motivation to keep their dogs in line? These tragic incidents will continue to happen if the only punishment is getting their dogs taken away with no repercussions or even mention of the owners.

SB-2692

Submitted on: 2/25/2024 1:48:02 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Brigid Kelleher	Individual	Support	Written Testimony Only

Comments:

I support this legislation because my sister-in-law's father was murdered by four dogs owned by people in his own neighborhood on Big Island. Those dog owners have not been held accountable, suggesting that my sister-in-law's father's life did not matter. Can we allow this cruelty and inhumanity to continue? Speaking as a dog bite survivor myself, we must hold dog owners accountable of their animals' actions. How can anyone in our neighborhoods feel safe, when our neighbors exhibit such fatal negligence? I beseech you - pass this legislation. Thank you.

SB-2692

Submitted on: 2/25/2024 2:01:50 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Monica Stone	Individual	Support	Written Testimony Only

Comments:

Mahalo for receiving my testimony in strong support of SB2692.

Aloha,

Monica Stone, Kailua-Kona, 96740

SB-2692

Submitted on: 2/25/2024 2:25:57 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Jack H Nunberg	Individual	Support	Written Testimony Only

Comments:

Re: HB2058 and SB2692

There are too many incidents in which humans are attacked by dogs. One incident is too many. In some area, folks fear going outside where wild packs roam. Often, the dogs are not spayed or neutered, and come from households with multiple “outside” dogs that interact little with people. These dogs are often unfenced and free to roam as a wild pack. Pack mentality is...pack mentality. Too many puppies are unwanted and sold along roadsides with little regard for the welfare of the animal. If the State put half as much effort on requiring and enforcing spay/neuter for all owners not designated as dog breeders as they wisely do on animal import rules, we’d have fewer dogs and fewer incidents. If the State would enforce limits on the number of dogs at any one home, we’d have fewer dogs and fewer incidents. If the State took measures to ensure the welfare of its animals in the puppy mills and multiple dog households, we’d have fewer mistreated animals and fewer wild dogs roaming in packs. If the State would hold owners responsible for violations of animal laws, we’d have fewer incidents. Dogs are man’s best friend, and these irresponsible owners are spoiling it for the rest of us who love their pets, who train and socialize their animals, and who spay/neuter their dogs. Like children, dogs should be wanted and socialized to be good citizens.

This is not rocket science – many States and communities have and enforce one form or another of these laws. Between enforcing licensure, encouraging spay/neuter through higher licensing fees, enforcing animal welfare laws, and holding owners responsible for violations, we can prevent dog attacks, remove the blight of roaming wild packs, and ensure that all animals (people and dogs) are treated with respect.

The measures before the Legislature go part of the way there in holding owners responsible for their dangerous dogs – dogs made dangerous by neglect on the part of the owner. More should be considered to ensure that all animals on the islands – people and dogs – are treated with respect. The State needs to get with the program.

SB-2692

Submitted on: 2/25/2024 3:22:12 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

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

Comments:

This bill recognizes the terrible damage that can be done when one or more dogs attack without provocation. Dangerous dog violations are currently enforced by the counties and the penalties are an insufficient response to the worst attacks.

Current ordinances also fail to provide law enforcement with adequate tools to keep dogs safe and prevent harm to the community, and they result in dogs being impounded for long periods.

This bill addresses those shortcomings in a variety of ways:

- It creates a statewide dangerous dog law, enabling a felony penalty for bites that maim or kill a person.
- It standardizes rules statewide.
- It improves law enforcement tools with the goal of preventing bites.

Please move this bill forward.

SB-2692

Submitted on: 2/25/2024 5:30:41 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Joseph Schwartz	Individual	Support	Written Testimony Only

Comments:

I have been attacked by unleashed dogs on the beach and in neighborhoods, they have scared and attacked my kids, and my pets. Dangerous dogs is a real and serious danger in Hawaii. Many dog owners are not being safe and responsible.

Catherine Spina
HC3 BOX 4652,
Kea'au, HI 96749

Hawai'i State Capitol
Room 10
415 South Beretania St
Honolulu, HI 96813

Subject: Testimony in Support of SB2692 - Management of Aggressive Dogs

Dear Honorable Members of the Legislative Committee,

I am writing to submit testimony in strong support of Senate Bill 2692, which aims to address the critical issue of managing aggressive dogs in Hawaii. As a concerned resident and advocate for public safety, I firmly believe that this bill is crucial for the well-being of our communities and the protection of both humans and animals.

Hawaii faces a significant challenge with loose dogs displaying aggressive behavior, posing a threat to public safety. These dogs come from various backgrounds - some are feral, others are owned by individuals who have failed to properly control or train them, and sadly, some have been abandoned altogether. The consequences of these situations have been devastating, with numerous cases of injuries and fatalities among our kupuna and keiki due to the negligence of dog owners.

It is imperative that owners are held accountable for the actions of their pets, particularly when their negligence results in harm to others. SB2692 seeks to establish punitive measures to ensure that irresponsible owners are held responsible for the behavior of their dogs. By implementing this bill, we can create a safer environment for all residents and mitigate the risks associated with aggressive dogs.

Furthermore, failure to enact laws addressing this issue not only jeopardizes public safety but also perpetuates a culture of negligence. Negligent behavior by both dog owners and the government sets a dangerous precedent and contributes to a cycle of problematic standards and behaviors. As our population continues to grow, the conflicts between feral and aggressive dogs will only escalate if proactive measures are not taken.

In conclusion, I urge you to support SB2692 as a critical step towards managing aggressive dogs and ensuring the safety of our communities. By holding owners

accountable for their pets' actions and implementing punitive recourse for negligent behavior, we can create a safer and more responsible environment for all residents of Hawaii.

Thank you for considering my testimony in support of this important legislation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Catherine Spina', with a stylized flourish at the end.

Catherine Spina,

SB-2692

Submitted on: 2/25/2024 7:50:05 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Aria Marina Drummer	Individual	Support	Written Testimony Only

Comments:

I am submitting testimony as a private citizen living on the island of Kauai. I have no professional or personal connection to this particular case, other than as a concerned citizen, a lover of animals, the daughter of a veterinarian and community organizer. It seems almost counter intuitive to have to legislate the euthanizing of vicious, dangerous animals and to punish their owners for damage done to humans or other animals, it should just be common sense. As there seems to be a shortage of common sense, I fully support the passing of this bill to protect communities throughout the state. Please vote to pass SB 2692, it is long overdue.

Sincerely,

Aria Marina Drummer

Kilauea, HI 96754

SB-2692

Submitted on: 2/25/2024 7:52:40 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Janice Keihanaikukauakahihuliheekahaunaele- Keanaai	Individual	Support	Written Testimony Only

Comments:

I am writing I am in support of SB2692. Me and several other victims changed our Hawaii County Law to stricter penalties for the owners of Dangerous Dogs after a mauling of our dog and injuring our other dog. We created Bill 125 so others would be able to get justice and help clean up our streets after 3 deaths from dog maulings of innocent people. THis Bill was put to the test with our neighbor's death and his daughter Shannon Matson could not receive justice from her father being mauled to death because the State does not have the same level of strict laws. THis harms us all. THe people who choose to have dangerous dog get to continue to get to be carefree about their dangerous dogs without strict penalties when they kill pets and humans and farm animals. SB2692 helps make our law enforceble which send a message to people with dangerous dogs to be more responsible so our streets are less dangerous. TThank you

SB-2692

Submitted on: 2/25/2024 8:15:32 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Briana Rodrique	Individual	Support	Written Testimony Only

Comments:

Aloha to the members of the JDC. We've all been hearing the stories of our neighbors, friends, or family members getting attacked and killed or seriously injured by loose dogs for far too long without doing anything to actually try and stop it. How many of us fear for our lives or those we are in charge of keeping safe while going for a walk - anywhere? If we become victims, who will be our champion? Who will make sure the same people responsible for neglecting their dangerous dogs won't be allowed to do the same exact thing again? Right now, the answer is no one. Today, please help us all feel safer and take the step to start holding the people neglecting these dogs accountable.

Mahalo piha,

Briana Rodrique, resident of Pana'ewa

SB-2692

Submitted on: 2/25/2024 8:40:02 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Joanna Wheeler	Individual	Support	Written Testimony Only

Comments:

I know people who have been attacked by dogs of careless owners. It is dangerous. A friend was attacked by a pitbull when he was with his baby. His baby was fine but he suffered horrible wounds for protecting her. Recently a new neighbor let her dog out and he killed 4 pets in the neighborhood. She got mad when confronted. Another person I know had a pack of dogs maul her house hourse and kill him badly hurting her when she tried to stop them. Pets are family for so many. There needs to be a consequence for this kind of actions.

Sincerely,

Joanna Wheeler

Registered Voter

SB-2692

Submitted on: 2/25/2024 8:44:20 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Natalie Joyce-Maeda	Individual	Support	Written Testimony Only

Comments:

I fully support Bill SB2692. I am a wife and mother. Our daughter is 9 years old. Ever since she started to play outside, I would tell her to come to me quickly if she ever saw loose dog/dogs coming down the street. We have approximately 3 dozen dogs as very close neighbors. More dogs, as less close neighbors.

Myself, my husband, and my daughter witnessed a traumatic incident in approximately the 3rd week of January, 2024. The incident was between an older man out taking a walk- our neighborhood has lots of walkers, bikers, joggers, and mom's with strollers- and a dangerous "pack" of 4 loose dogs. The dogs did enough damage to the man, that he required 47 staples on his leg. Lucky that another neighbor and ourselves were around. A major artery was severed in the man's leg and the blood was spurting out rapidly. Dangerous dogs like this scenario and without 5 of us there . . . well, it was confirmed by the ER physician that with that kind of severance of the artery, only 3-4 minutes can the blood pour out like that.

My daughter and I still watch all the people walk, ride, stroll by and we know that those dangerous dogs have not been turned in yet- a full month later. We have seen them loose more than a handful of times before. We have taken photos, videos, been good Samaritans, talked with the police, talked with Humane Society, expressed our wishes for healing to the victim, talked to the lawyer. . .and the dogs are still there, staked to an approx. 2 foot diameter circle. No fence around the property.

The one dangerous dog was dragging his chain and stake, while attacking the man with the other 3 dogs a month ago. SB2692 is lifesavingly necessary. Even having to tell my daughter to be "hypervigilant" for loose dangerous dogs in the neighborhood is traumatic. For her to witness an attack on a Kupuna with blood all over and then to drive by the dogs still staked in the yard is too much of an injustice to all concerned- and this includes the dogs.

My daughter says, "that was probably the happiest day of those dogs lives", because they are staked in the yard. Please consider supporting and passing this Bill. We all see this on the news, more and more. Animals need to be cared for, people need to be cared for. Thank you, Natalie Joyce-Maeda

Kalaheo, Kaua'i, Hawai'i

SB-2692

Submitted on: 2/25/2024 9:10:18 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert Culbertson	Individual	Support	Written Testimony Only

Comments:

Aloha Senators!

We NEED this legislation.

Please pass SB 2692!

R A Culbertson

Honokaa

SB-2692

Submitted on: 2/25/2024 9:24:00 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Bobbie Jo Curley	Individual	Comments	Written Testimony Only

Comments:

If a dog kills a human, this should be a class B felony, and if a dog kills another dog or kills livestock that should be a class C felony. We need more severe repercussions for dog owners who fail to control dangerous dogs. If their dog attacks and mauls or kills, owners need to be held responsible and victims of attacks should be able to recommend that the dangerous dog is euthanized to prevent more people or animals from being killed.

When I was young, my mother was badly injured by a pit bull type dog, I have never forgotten it... we need stricter laws on dangerous dogs that have been bred to fight and kill.

Sincerely,

Bobbie Jo Curley

SB-2692

Submitted on: 2/25/2024 9:44:55 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrew Marshall	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support SB2692 for the protection of people in our communities against dangerous dogs, and neglectful dog owners.

Thank you,

Andrew Marshall

SB-2692

Submitted on: 2/25/2024 10:15:30 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Quesenbery	Individual	Support	Written Testimony Only

Comments:

As a long term resident of Kurtistown, I believe dog owners need to be held accountable for their negligent ownership. I had dangeroud dog owners live across the street from my family in Hawaiian Acres. Over a span of five years the owners had three different dogs, all of which were allowed to roam freely, unfenced, and attack people at will. Three people were attacked by them over this period of time. The dogs would be taken away and they would have another dog back in its place within six months. In one case they were given the dog back and it continues to be a danger.

So, honestly I can clearly see how Robert Northrop and Dolores Oskins have lost their lives to dog attacks. With no measure in place to hold the owners responsible for their own neglect, cases like the recent attacks of Amber Clausen and Deborah Ward will continue to go unpunished, and more deaths will surely occur. Please I urge you to give Hawaii residents the safety they surely deserve.

SB-2692

Submitted on: 2/25/2024 10:45:58 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Doug Brown	Individual	Support	Written Testimony Only

Comments:

If a dog kills a human, this should be a class B felony. If a dog kills another dog, or kills a cat that is someone's pet, that should be a class C felony.

SB-2692

Submitted on: 2/25/2024 11:45:33 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Rebecca Corby	Individual	Support	Written Testimony Only

Comments:

Please pass Bill "Dangerous Dogs" PEOPLE ARE DYING from Dangerous dogs, Enough is Enough. A few years ago here on Big Island, a kupuna Ms. Oskins was knocked to the ground and ripped apart by a pack of dangerous dogs just outside her home in Puna. Her injuries were so severe she died in the hospital. This was supposed to never happen again. A bill was passed for Big Island (hawaii county) and then sadly AGAIN another innocent person was mauled to death by a pack of dangerous dogs also just outside him home, Mr. Northrup in Ocean view. The owners of these dogs have faced NO consequences. We are told the laws are too weak and there is no punishment currently if your dog kills someone or another pet. This cannot keep happening. I have been attacked too while saving my small dog from loose dangerous dogs while simply walking my dog on a leash in Puna, I could have died too but luckily I got away and screamed until someone could help me and secure the dog. WE MUST hold the owners of these dangerous dogs accountable. NO one else should be mauled, killed or have their pets or children killed by these dogs. We have too many irresponsible owners with dangerous killer dogs. Please pass this bill, This is not okay .]The killer dogs owners need consequences. In every case, the owners knew their dogs were dangerous and they don't care because they get away with it everyday here. Everyday these killer dogs attack and injure others.

SB-2692

Submitted on: 2/26/2024 5:56:12 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Ben Welborn	Individual	Support	Written Testimony Only

Comments:

If a dog kills a human, this should be a class B felony, and if a dog kills another dog or kills livestock that should be a class C felony. We need more severe repercussions for dog owners who fail to control dangerous dogs. If their dog attacks and mauls or kills, owners need to be held responsible and victims of attacks should be able to recommend that the dangerous dog is euthanized to prevent more people or animals from being killed.

SB-2692

Submitted on: 2/26/2024 6:21:01 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Heidi Betcher	Individual	Support	Written Testimony Only

Comments:

I am a daughter of a mother who was attacked by a violent dog when I was eight-years-old. That event impacted decades of my life. The violent dog approached my mom, my two sisters and I. My mom put us behind her and received a ferocious bite to her thigh. That incident took over as my first memory of an interaction with a dog and has consequently impacted my relationships with all dog owners. Neither my sisters or I have felt comfortable to own a dog, and we are now in our 40s. I support all measures that help secure a society that feels safe from violent dog attacks, for the young, old and all in between.

SB-2692

Submitted on: 2/26/2024 8:24:40 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Tracey Schavone	Individual	Support	Written Testimony Only

Comments:

Senate members,

I am asking that you please support Bill 2692 and also amend it as follows:

If a dog kills a human, this should be a class B felony, and if a dog kills another dog, cat or kills livlivestock that should be a class C felony.

Twenty years ago my friends 17 month old son was viciuosly killed by a dog.

Just a few months ago another friend was badly injured and her small dog was killed by a pitbull.

Dog attacks have become so frequent that this year my Homewoners Insurance Policy included a Canine Liabilty Exclusion Endorsement.

Mahalo for your time and consideration,

Tracey Schavone

PO Box 676

Anahola, HI 96703

SB-2692

Submitted on: 2/26/2024 8:26:49 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

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

Comments:

I strongly support SB2692 by Sen. Rhodes. We have a serious problem on Big Island with loose dangerous dogs attacking people and other pet animals. I know that other islands face the same problems. We have had two deaths from dog attacks and at least one near death recently. Dog owners who let aggressive dogs run loose are risking the health and safety of their neighbors. This has to stop. Kapuna are afraid to walk in their own neighborhoods. Children can't play outside safely.

The requirement of liability insurance for a dangerous dogs is particularly important. I am also impressed with the thoughtful listing of provocations that protect the dog from harassment by people intent on causing trouble.

This legislation will be a big help for all people on the islands and will encourage responsible dog ownership. Please pass this bill out of committee and send it to the floor.

Mahalo on behalf of responsible dog owners.

Renee Rabb

Hawaiian Paradise Park

Keaau HI 96749

SB-2692

Submitted on: 2/26/2024 8:28:29 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Barbara Kaaumoana	Individual	Support	Written Testimony Only

Comments:

Aloha, I **STRONGLY SUPPORT** this legislation and the penalties it promulgates. Owned dogs are let loose to attack our keiki on our beaches and in our public spaces. Many of these dogs are repeat offenders.

Please pass this bill **WITH** the strongest penalties possible. We need action now!

Mahalo, Makaala Kaaumoana, Kauai

SB-2692

Submitted on: 2/26/2024 8:59:25 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Judith McShane Burke	Individual	Support	Written Testimony Only

Comments:

To the Honorable Legislators,

When I heard my neighbor's dad had been mauled and by a pack of pit bulls I couldn't believe it and then when I heard that the County of Hawai'i had yet to charge the owners of the dogs I could not believe it. But sometimes the unbelievable and the unimaginable happen and sometimes local authorities fail to do their duty and the matter must be taken to a higher authority. You are the higher authority. I ask you to imagine if your parent, your child, or other loved had been mauled and killed by piit bulls and your police department had failed to do hold the owners accountable. I believe you would be outrage and would want to seek justice for your loved one. You would hope that the proposal before you was law. Please do the right and just thing and vote yes for this bill. My sincere thanks,

SB-2692

Submitted on: 2/26/2024 10:57:45 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Phyllis Hopeck	Individual	Comments	Written Testimony Only

Comments:

Aloha from the North shore of Kauai,

As a resident of 38 years, who has witnessed numerous dog attack incidences and have been the victim of 3 dog attacks, now is the time to strengthen and enforce new laws to protect both humans and animals from malicious and dangerous dog attacks.

our current 'laws' and response efforts are too weak or non existent, even though now the dog attacks are on the rise. In recent dog attacks, the police were not even available to make a report and our Kauai Humane Society being always overwhelmed and under staffed, are of no assistance. This is wrong and dangerous to our community!

Regarding SB 2692, I feel that the law needs to be stronger: if a dog kills or greatly impairs the health of a human, it should be a class B felony. If a dog kills or severely maims an othe animal, it should be a class C felony.

Dangerous dog owners must have more severe consequences if their animal attacks a person or another animal! Please let us together tighten enforcement and protect our fragile community.

Mahalo,

Phyllis Hopeck

SB-2692

Submitted on: 2/26/2024 1:56:52 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Barbara Penn	Individual	Support	Written Testimony Only

Comments:

Please vote FOR this bill. I feel that we need stronger consequences for negligent dog owners. We had a horrific incident here on Kauai recently where a small dog was attacked and killed by a vicious large dog and his owner did nothing. This was witnessed by many beachgoers including children.

SB-2692

Submitted on: 2/26/2024 3:27:45 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Nona b wilson	Individual	Support	Written Testimony Only

Comments:

I am in total support of thi bill and any other legislation that holds owners of animals accountable for their dogs actions. Animals will revert back to what is their natural instincts if left to fend for themselves which is fast beoming the norm here in our Hawaii Nei. it is a problem with irresponsoble pet owners who think its okay to dump or otherwise abandon their anumals to fend for themselves or otherwise alow them to run free.. It is just a question of ;time before we have packs of dogs searchig for food and attacking other aniimals or chldren. Irresponsible owners who allow their dogs to run free or starve or otherwise abuse their animals allowing them to revert to animalistic behavior is the issue. Its not the dogs. Please support this bill and any other like it who will hold supposed responsible adults accountable.

SB-2692

Submitted on: 2/26/2024 7:10:22 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
linda willaby	Individual	Support	Written Testimony Only

Comments:

The owners of dangerous dogs should not be permitted to let those dogs run free except on their own property and should be penalized for any damage or injury to persons or animals. Any person owning a dangerous dog should have insurance. In the case where an unsupervised dangerous dog has caused the death of a person, that dog should be euthanized and the owners subject to harsh monetary penalties and not allowed to own dogs. A dangerous dog should be defined as any dog that has been trained for fighting, attacked a person or animal without justification causing serious bodily injury or death, behaved on two or more occasions in a manner that a reasonable person would believe posed an unjustified threat. Too many people have been killed here in Hawaii by dangerous dogs. There have been too many instances of livestock being killed.,

SB-2692

Submitted on: 2/26/2024 10:29:21 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollock	Individual	Support	Written Testimony Only

Comments:

Aloha,

While I strongly support SB2692, it needs more teeth to really provide protection against dangerous dogs. It needs to be a Class B Felony for killing a person, and Class C for killing another dog or livestock.

A friend and her dog were recently attacked by a vicious dog at a breach where many families go, often children. Her little dog died and she needed medical treatment. The owners fled and offered no help.

I've attached info on a recent attack in Kalaheo.

Please consider stiffening the penalty for these offenses. We have to make the owners accountable. It could be your elderly relative, or grandchild.

Mahalo,

Sherry Pollock

SB-2692

Submitted on: 2/27/2024 8:08:34 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Shalaye Newman	Individual	Support	Written Testimony Only

Comments:

My name is Shalaye Newman. I'm a mother to 3 beautiful girls. 2 years ago, my youngest, Violet (6yr) was attacked by 2 vicious dogs in our neighborhood. The owner had negligently left their gate open. She had 2 bones in her face broken and is now broken and is now permanently blinds. In her injured she, she was simply walking home from the school bus. Stop with her older sister when this occurred. The owner has had hardly any repercussions. The judge stated that he didn't believe that the owner would repeat this offense and therefore shouldn't have to suffer the full consequences of the Law. But what about my daughter? what about her suffering? Please initiate change to ensure no other mother has to live through this nightmare.

Thank you