

---

---

# A BILL FOR AN ACT

RELATING TO ANIMAL CRUELTY.

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

1           SECTION 1. The legislature finds that animal cruelty  
2 offenders are a threat to the health and safety of all members  
3 of our communities, especially vulnerable populations. Recent  
4 research has shown that animal cruelty is a predictive and  
5 co-occurring crime with violence against humans, including  
6 children, intimate partners, and the elderly. Psychological  
7 studies show that seventy per cent of violent criminals began by  
8 abusing animals. Children who witness animal abuse are also  
9 more likely to abuse animals as teenagers and adults.

10           The legislature further finds that there has been a  
11 significant increase in animal cruelty cases in Hawaii over the  
12 past five years. According to the Honolulu police department,  
13 there were seventy-three animal cruelty crimes in 2023 compared  
14 to fifty eight in 2018. The prevalence of animal cruelty crimes  
15 in the State and its correlation with other serious violent  
16 crimes warrants increased penalties for offenders.



1           Accordingly, the purpose of this Act is to amend the  
2 criminal penalties for various animal cruelty offenses by  
3 increasing the category of offense.

4           SECTION 2. Section 711-1108.5, Hawaii Revised Statutes, is  
5 amended by amending subsection (5) to read as follows:

6           "(5) Cruelty to animals in the first degree [~~is~~] shall be  
7 a class [C] B felony. In addition to any fines and imprisonment  
8 imposed under this section, any person convicted under this  
9 section shall be prohibited from possessing or owning any pet  
10 animal or equine animal for a minimum of five years from the  
11 date of conviction."

12           SECTION 3. Section 711-1109, Hawaii Revised Statutes, is  
13 amended to read as follows:

14           "**§711-1109 Cruelty to animals in the second degree.** (1)  
15 A person commits the offense of cruelty to animals in the second  
16 degree if the person intentionally, knowingly, or recklessly:  
17           (a) Overdrives, overloads, tortures, torments, beats,  
18           causes substantial bodily injury to, or starves any  
19           animal, or causes the overdriving, overloading,  
20           torture, torment, beating, or starving of any animal;



- 1 (b) Deprives a pet animal of necessary sustenance or  
2 causes that deprivation;
- 3 (c) Mutilates, poisons, or kills without need any animal  
4 other than insects, vermin, or other pests; provided  
5 that the handling or extermination of any insect,  
6 vermin, or other pest is conducted in accordance with  
7 standard and acceptable pest control practices and all  
8 applicable laws and regulations;
- 9 (d) Keeps, uses, or in any way is connected with or  
10 interested in the management of, or receives money for  
11 the admission of any person to, any place kept or used  
12 for the purpose of fighting or baiting any bull, bear,  
13 cock, or other animal, and includes every person who  
14 encourages, aids, or assists therein, or who permits  
15 or suffers any place to be so kept or used;
- 16 (e) Carries or causes to be carried, in or upon any  
17 vehicle or other conveyance, any animal in a cruel or  
18 inhumane manner;
- 19 (f) Confines or causes to be confined, in a kennel or  
20 cage, any pet animal in a cruel or inhumane manner;



- 1 (g) Tethers, fastens, ties, or restrains a dog to a  
2 doghouse, tree, fence, or any other stationary object,  
3 or uses a trolley, trolley with swivels, pulley,  
4 cable, running line, or trolley lacking swivels at  
5 each end that is designed to attach a dog to two  
6 stationary objects in a configuration that endangers  
7 the dog, including preventing the dog from obtaining  
8 necessary sustenance;
- 9 (h) Tethers or restrains a dog under the age of six months  
10 unless the dog is engaged in an activity supervised by  
11 its owner or an agent of its owner;
- 12 (i) Tethers or restrains a dog by a tow or log chain;
- 13 (j) Tethers or restrains by means of choke collar, pinch  
14 collar, or prong collar unless the dog is engaged in  
15 an activity supervised by its owner or an agent of its  
16 owner; or
- 17 (k) Assists another in the commission of any act specified  
18 in paragraphs (a) through (j).
- 19 (2) Subsection (1)(a), (b), (c), (e), (f), (g), and (h)  
20 shall not apply to:
- 21 (a) Accepted veterinary practices;



1 (b) Activities carried on for scientific research governed  
2 by standards of accepted educational or medicinal  
3 practices; or

4 (c) Pest control operations conducted pursuant to chapter  
5 149A by a pest control operator licensed pursuant to  
6 chapter 460J, if the pest control is performed under a  
7 written contract.

8 (3) Whenever any animal is so severely injured that there  
9 is no reasonable probability that its life or usefulness can be  
10 saved, the animal may be immediately destroyed without creating  
11 any offense under this section.

12 (4) Cruelty to animals in the second degree [~~is~~] shall be  
13 a misdemeanor, except [~~that if the offense involves ten or more~~  
14 ~~pet animals in any one instance, then cruelty to animals in the~~  
15 ~~second degree is a class C felony.~~] as provided in subsection  
16 (5).

17 (5) If the offense involves the death of an animal, or if  
18 the offense involves ten or more pet animals in any one  
19 instance, cruelty to animals in the second degree shall be a  
20 class B felony. In addition to any other penalties imposed, the



1 person shall be prohibited from possessing or owning any animal  
2 for a minimum of five years from the date of conviction."

3 SECTION 4. Section 711-1109.3, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§711-1109.3 Cruelty to animals by fighting dogs in the**  
6 **first degree.** (1) A person commits the offense of cruelty to  
7 animals by fighting dogs in the first degree if the person:

8 (a) Knowingly:

9 (i) Causes, sponsors, arranges, or holds a dogfight  
10 for entertainment or financial gain; or

11 (ii) Owns, trains, transports, possesses, sells,  
12 transfers, or equips any dog with the intent that  
13 the dog shall be engaged in a dogfight; or

14 (b) Recklessly:

15 (i) Allows a dogfight to occur on any property owned  
16 or controlled by the person; or

17 (ii) Allows any dog intended to be used for a dogfight  
18 to be kept, trained on, or transported in, any  
19 property owned or controlled by the person.

20 (2) Nothing in this section shall prohibit any of the  
21 following:



1 (a) The use of dogs in the management of livestock by the  
2 owner of the livestock or the owner's employees or  
3 agents or other persons in lawful custody thereof;

4 (b) The use of dogs in hunting wildlife including game; or

5 (c) The training of dogs or the use of equipment in the  
6 training of dogs for any purpose not prohibited by  
7 law.

8 (3) As used in this section, "dogfight" means a dog or  
9 dogs pitted against another dog or dogs with the intent that the  
10 encounter will result in injury to one or more of the dogs.

11 (4) [~~Violation of this section~~] Cruelty to animals by  
12 fighting dogs in the first degree shall be a class B felony~~[-]~~,  
13 except as provided in subsection (5).

14 (5) A second or any subsequent offense that occurs after a  
15 prior conviction for this offense shall be a class A felony.

16 [~~5~~] (6) If there is any conflict between this section  
17 and section 711-1109, or any other provision of law, this  
18 section shall apply."

19 SECTION 5. Section 711-1109.35, Hawaii Revised Statutes,  
20 is amended to read as follows:



1            "[+]§711-1109.35[+] **Cruelty to animals by fighting dogs in**  
2 **the second degree.** (1) A person commits the offense of cruelty  
3 to animals by fighting dogs in the second degree if the person  
4 knowingly:

5            (a) Wagers on a dogfight;

6            (b) Attends or pays to attend a dogfight; or

7            (c) Possesses any device intended to enhance the dog's  
8            fighting ability with the intent that the device be  
9            used to train or prepare the dog for a dogfight.

10           (2) As used in this section:

11           "Bait dog" means a live animal used to train or prepare  
12 dogs for a dogfight.

13           "Device" means both animate and inanimate objects and  
14 includes live animals used as bait dogs.

15           "Dogfight" means a dog or dogs pitted against another dog  
16 or dogs with the intent that the encounter will result in injury  
17 to one or more of the dogs.

18           "Wager" means staking or risking something of value on the  
19 outcome of a dogfight.



1 (3) Cruelty to animals by fighting dogs in the second  
2 degree [~~is~~] shall be a class C felony[-], except as provided in  
3 subsection (4).

4 (4) A second or any subsequent offense that occurs after a  
5 prior conviction for this offense shall be a class B felony."

6 SECTION 6. Section 711-1109.37, Hawaii Revised Statutes,  
7 is amended to read as follows:

8 "[~~§~~711-1109.37~~]~~ **Cruelty to animals by trapping.** (1)

9 A person commits the offense of cruelty to animals by trapping  
10 if the person intentionally, knowingly, or recklessly uses,  
11 sets, or maintains:

- 12 (a) A steel-jawed leg-hold trap; or
- 13 (b) A snare, conibear trap, or foot- or leg-hold trap in  
14 an area zoned as residential or any other area where  
15 such snare or trap is prohibited by law or rule;  
16 except under the situations described in subsection  
17 (2).

18 (2) Subsection (1)(b) shall not apply to employees of  
19 state or federal agencies, or persons acting as a designated  
20 cooperator or an agent of the State, who are carrying out  
21 activities required under a management plan approved by state or



1 federal agencies, pursuant to a mandatory statutory duty for the  
2 protection of species listed as threatened or endangered  
3 species, or other wildlife species protected by law, or for the  
4 protection of public health, safety, or property.

5 (3) As used in this section:

6 "Conibear trap" means a contrivance consisting of metal or  
7 steel designed to kill by crushing the body or severing the  
8 spinal cord of any animal. "Conibear trap" shall not include  
9 snap traps used for rodent control.

10 "Foot- or leg-hold trap" means a contrivance consisting of  
11 metal or steel that is off-set, padded or laminated, and is  
12 designed to capture and hold any animal by a foot or limb.

13 "Snare" means a contrivance consisting of a noose,  
14 regardless of material, designed to capture, trap, or kill any  
15 animal or hold any animal by a foot, limb, or neck.

16 "Steel-jawed leg-hold trap" means a spring-powered  
17 contrivance that captures or holds the limb of an animal by  
18 exerting a lateral force with fix-mounted jaws.

19 (4) Cruelty to animals by trapping [~~is~~] shall be a  
20 misdemeanor[-], except as provided in subsection (5).



1       (5) A second or any subsequent offense that occurs after a  
2 prior conviction for this offense shall be a class C felony."

3       SECTION 7. Section 711-1109.4, Hawaii Revised Statutes, is  
4 amended to read as follows:

5       "**§711-1109.4 Causing injury or death to a service animal**  
6 **or law enforcement animal.** (1) A person commits the offense of  
7 causing injury or death to a service animal or law enforcement  
8 animal if:

9       (a) The person recklessly causes substantial bodily injury  
10 to or the death of any service animal or law  
11 enforcement animal while the service animal or law  
12 enforcement animal is in the discharge of its duties;  
13 or

14       (b) The person is the owner of a dog and recklessly  
15 permits that dog to attack a service animal or law  
16 enforcement animal while the service animal or law  
17 enforcement animal is in the discharge of its duties,  
18 resulting in the substantial bodily injury or death of  
19 the service animal or law enforcement animal.

20       (2) Subsection (1) shall not apply to:

21       (a) Accepted veterinary practices;



1 (b) Activities carried on for scientific research governed  
2 by standards of accepted educational or medicinal  
3 practices; or

4 (c) Cropping or docking as customarily practiced and  
5 permitted by law.

6 (3) Any person who commits the offense of causing injury  
7 or death to a service animal or law enforcement animal shall be  
8 guilty of a class C felony~~[-]~~, except as provided in subsection  
9 (4).

10 (4) A second or subsequent offense that occurs after a  
11 prior conviction for this offense shall be a class B felony.

12 ~~[(4)]~~ (5) In addition to any other penalties, any person  
13 who is convicted of a violation of this section shall be ordered  
14 to make restitution to:

15 (a) The owner of the service animal or law enforcement  
16 animal for any veterinary bills and out-of-pocket  
17 costs incurred as a result of the injury to the  
18 service animal or law enforcement animal; and

19 (b) The person, entity, or organization that incurs the  
20 cost of retraining or replacing the service animal or  
21 law enforcement animal for the cost of retraining or



1 replacing the service animal or law enforcement animal  
2 if it is disabled or killed.

3 ~~[-5-]~~ (6) As used in this section "service animal" shall  
4 have the same meaning as in section 347-2.5."

5 SECTION 8. Section 711-1109.7, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "[+]§711-1109.7[+] **Pet animal or equine animal desertion.**

8 (1) It shall be unlawful for the owner or any person in  
9 possession of any pet animal or equine animal to desert the pet  
10 animal or equine animal.

11 (2) Any person who violates subsection (1) shall be guilty  
12 of a petty misdemeanor ~~[and subject to a fine not exceeding~~  
13 ~~\$1,000 in addition to any other penalties.]~~, except as provided  
14 in subsection (3).

15 (3) A second or subsequent offense that occurs after a  
16 prior conviction for a violation of subsection (1) or (4) shall  
17 be a misdemeanor.

18 ~~[-3-]~~ (4) Any person who violates subsection (1) and  
19 recklessly causes the death of or substantial bodily injury to  
20 the pet animal or equine animal shall be guilty of a misdemeanor



1 ~~[and subject to a fine not exceeding \$2,000 in addition to any~~  
2 ~~other penalties.]~~, except as provided in subsection (5).

3 (5) A second or subsequent offense that occurs after a  
4 prior conviction for a violation of subsection (1) or (4), and  
5 the second or subsequent offense recklessly causes the death of  
6 or substantial bodily injury to the pet animal or equine animal,  
7 shall be a class C felony.

8 ~~[-(5)-]~~ (6) For the purposes of this section, "desert" means  
9 to leave without the intent to return."

10 SECTION 9. Section 711-1109.8, Hawaii Revised Statutes, is  
11 amended by amending subsection (3) to read as follows:

- 12 "(3) Unless otherwise provided by any other law:
- 13 (a) Sexual assault of an animal ~~[is]~~ shall be a
- 14 misdemeanor ~~[for the first offense and a class C~~
- 15 ~~felony for the second or subsequent offense; or],~~
- 16 except as provided in subsection (3) (b), (3) (c), or
- 17 (3) (d);
- 18 (b) A second or subsequent offense in violation of
- 19 subsection (1) that occurs after a prior conviction
- 20 for subsection (1) shall be a class B felony;



1        ~~(b)~~ (c) If the offense subjected a minor to sexual  
2                    contact with an animal or was committed in the  
3                    presence of a minor as defined in section 706-606.4,  
4                    sexual assault of an animal ~~[is]~~ shall be a class B  
5                    felony~~[-]~~, except as provided in subsection (3)(d).

6        (d) A second or subsequent offense in violation of  
7                    subsection (3)(c) that occurs after a prior conviction  
8                    for violation of subsection (1) or (3)(c) shall be  
9                    guilty of a class A felony."

10        SECTION 10. This Act does not affect rights and duties  
11        that matured, penalties that were incurred, and proceedings that  
12        were begun before its effective date.

13        SECTION 11. Statutory material to be repealed is bracketed  
14        and stricken. New statutory material is underscored.

15        SECTION 12. This Act shall take effect upon its approval.



**Report Title:**

Penal Code; Animal Cruelty; Penalties

**Description:**

Amends the criminal penalties for various animal cruelty offenses by increasing the category of offense. (HD1)

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

