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# 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 also finds that there has been a  
11 significant increase in animal cruelty cases in the State over  
12 the past five years, especially cases involving pet animals.  
13 According to the Honolulu police department, there were seventy-  
14 three animal cruelty crimes in 2023 compared to fifty-eight in  
15 2018. Inadequate punishment for these offenses has caused  
16 outrage in the community, leading to protests demanding that  
17 these crimes be taken more seriously.



1           The legislature further finds that people have particularly  
 2 deep bonds with pet animals. In a 2024 survey conducted on O‘ahu  
 3 by Ward Research, ninety-four per cent of all households agreed  
 4 that animal companionship is important to quality of life.  
 5 Nationally, ninety-seven per cent of pet owners consider pets to  
 6 be part of their family.

7           The legislature additionally finds that section 711-1100,  
 8 Hawaii Revised Statutes, defines "pet animal" as "a dog, cat,  
 9 domesticated rabbit, guinea pig, domesticated pig, or caged  
 10 birds (passeriformes, piciformes, and psittaciformes only) so  
 11 long as not bred for consumption". The legislature further  
 12 finds that section 347-2.5, Hawaii Revised Statutes, defines  
 13 "service animal" as "any dog that is individually trained to do  
 14 work or perform tasks for the benefit of an individual with a  
 15 disability, including a physical, sensory, psychiatric,  
 16 intellectual, or other mental disability", and specifically  
 17 excludes other species of animals.

18           The legislature concludes that the prevalence of animal  
 19 cruelty crimes in the State and its correlation with other  
 20 serious violent crimes warrants increased penalties for the most  
 21 egregious offenses against pet animals. Stronger penalties will



1 help deter and prevent animal cruelty and ensure that those  
2 responsible face appropriate consequences.

3 Accordingly, the purpose of this Act is to:

4 (1) Increase the criminal penalties for the offenses of  
5 cruelty to animals in the first and second degrees for  
6 situations that involve pet animals; and

7 (2) Increase the criminal penalty for a second or  
8 subsequent offense of causing injury or death to a  
9 service animal or law enforcement animal.

10 SECTION 2. Section 711-1108.5, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 **"§711-1108.5 Cruelty to animals in the first degree. (1)**

13 A person commits the offense of cruelty to animals in the first  
14 degree if the person intentionally or knowingly:

15 (a) Tortures, mutilates, or poisons or causes the torture,  
16 mutilation, or poisoning of any pet animal or equine  
17 animal resulting in serious bodily injury or death of  
18 the pet animal or equine animal; or

19 (b) Kills or attempts to kill any pet animal belonging to  
20 another person, without first obtaining legal  
21 authority or the consent of the pet animal's owner.



- 1       (2) Subsection (1)(a) shall not apply to:
- 2       (a) Accepted veterinary practices when the practices are
- 3             performed by a veterinarian licensed under chapter
- 4             471; and
- 5       (b) Activities carried on for scientific research governed
- 6             by standards of accepted educational or medicinal
- 7             practices.
- 8       (3) Subsection (1)(b) shall not apply to:
- 9       (a) Humane euthanasia of any animal by an animal control
- 10            officer, duly incorporated humane society, duly
- 11            incorporated society for the prevention of cruelty to
- 12            animals, or duly authorized governmental agency in
- 13            accordance with American Veterinary Medical
- 14            Association accepted standards; or
- 15       (b) Conduct which the actor believes to be necessary to
- 16            avoid an imminent harm or evil to the actor, another
- 17            person, or an animal; provided that the harm or evil
- 18            sought to be avoided by such conduct is greater than
- 19            that sought to be prevented by this section and is
- 20            justifiable as provided in section 703-302 for choice
- 21            of evils; provided further that, for purposes of this



1 paragraph, as the justification described in section  
2 703-302 shall also apply to conduct which the actor  
3 believes to be necessary to avoid an imminent harm or  
4 evil to an animal.

5 (4) Whenever any pet animal or equine animal is so  
6 severely injured that there is no reasonable probability that  
7 its life can be saved, the animal may be immediately destroyed  
8 without creating any offense under this section.

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

15 (6) Any person who violates subsection (1)(a) or (b) and a  
16 pet animal is involved shall be guilty of a class B felony.

17 (7) In addition to any fines and imprisonment imposed  
18 under this section, any person convicted under this section  
19 shall be prohibited from possessing or owning any pet animal or  
20 equine animal for a minimum of five years from the date of  
21 conviction.



1        [~~(6)~~] (8) For the purposes of this section, "person"  
2 means any individual; any firm, partnership, joint venture,  
3 association, limited liability company, corporation, estate,  
4 trust, receiver, or syndicate; or any other legal entity."

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

7        "**§711-1109 Cruelty to animals in the second degree.** (1)

8 A person commits the offense of cruelty to animals in the second  
9 degree if the person intentionally, knowingly, or recklessly:

10        (a) Overdrives, overloads, tortures, torments, beats,  
11 causes substantial bodily injury to, or starves any  
12 animal, or causes the overdriving, overloading,  
13 torture, torment, beating, or starving of any animal;

14        (b) Deprives a pet animal of necessary sustenance or  
15 causes that deprivation;

16        (c) Mutilates, poisons, or kills without need any animal  
17 other than insects, vermin, or other pests; provided  
18 that the handling or extermination of any insect,  
19 vermin, or other pest is conducted in accordance with  
20 standard and acceptable pest control practices and all  
21 applicable laws and regulations;



- 1 (d) Keeps, uses, or in any way is connected with or  
2 interested in the management of, or receives money for  
3 the admission of any person to, any place kept or used  
4 for the purpose of fighting or baiting any bull, bear,  
5 cock, or other animal, and includes every person who  
6 encourages, aids, or assists therein, or who permits  
7 or suffers any place to be so kept or used;
- 8 (e) Carries or causes to be carried, in or upon any  
9 vehicle or other conveyance, any animal in a cruel or  
10 inhumane manner;
- 11 (f) Confines or causes to be confined, in a kennel or  
12 cage, any pet animal in a cruel or inhumane manner;
- 13 (g) Tethers, fastens, ties, or restrains a dog to a  
14 doghouse, tree, fence, or any other stationary object,  
15 or uses a trolley, trolley with swivels, pulley,  
16 cable, running line, or trolley lacking swivels at  
17 each end that is designed to attach a dog to two  
18 stationary objects in a configuration that endangers  
19 the dog, including preventing the dog from obtaining  
20 necessary sustenance;



- 1 (h) Tethers or restrains a dog under the age of six months
- 2 unless the dog is engaged in an activity supervised by
- 3 its owner or an agent of its owner;
- 4 (i) Tethers or restrains a dog by a tow or log chain;
- 5 (j) Tethers or restrains by means of choke collar, pinch
- 6 collar, or prong collar unless the dog is engaged in
- 7 an activity supervised by its owner or an agent of its
- 8 owner; or
- 9 (k) Assists another in the commission of any act specified
- 10 in paragraphs (a) through (j).
- 11 (2) Subsection (1)(a), (b), (c), (e), (f), (g), and (h)
- 12 shall not apply to:
- 13 (a) Accepted veterinary practices;
- 14 (b) Activities carried on for scientific research governed
- 15 by standards of accepted educational or medicinal
- 16 practices; or
- 17 (c) Pest control operations conducted pursuant to chapter
- 18 149A by a pest control operator licensed pursuant to
- 19 chapter 460J, if the pest control is performed under a
- 20 written contract.



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

5 (4) Cruelty to animals in the second degree [~~is~~] shall be  
6 a misdemeanor [~~, except that if the offense involves ten or more~~  
7 ~~pet animals in any one instance, then cruelty to animals in the~~  
8 ~~second degree is a class C felony]~~.

9 (5) Any person who violates subsection (1) involving ten  
10 or more pet animals in any one instance or the death of a pet  
11 animal shall be guilty of a class B felony.

12 (6) In addition to any other penalties imposed, a person  
13 convicted under this section shall be prohibited from possessing  
14 or owning any pet animal for a minimum of five years from the  
15 date of conviction; provided that the violation involved a pet  
16 animal."

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

19 **"§711-1109.4 Causing injury or death to a service animal**  
20 **or law enforcement animal.** (1) A person commits the offense of



1 causing injury or death to a service animal or law enforcement  
2 animal if:

3 (a) The person recklessly causes substantial bodily injury  
4 to or the death of any service animal or law  
5 enforcement animal while the service animal or law  
6 enforcement animal is in the discharge of its duties;  
7 or

8 (b) The person is the owner of a dog and recklessly  
9 permits that dog to attack a service animal or law  
10 enforcement animal while the service animal or law  
11 enforcement animal is in the discharge of its duties,  
12 resulting in the substantial bodily injury or death of  
13 the service animal or law enforcement animal.

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

15 (a) Accepted veterinary practices;

16 (b) Activities carried on for scientific research governed  
17 by standards of accepted educational or medicinal  
18 practices; or

19 (c) Cropping or docking as customarily practiced and  
20 permitted by law.



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

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

7           ~~[(4)]~~ (5) In addition to any other penalties, any person  
8 who is convicted of a violation of this section shall be ordered  
9 to make restitution to:

10           (a) The owner of the service animal or law enforcement  
11 animal for any veterinary bills and out-of-pocket  
12 costs incurred as a result of the injury to the  
13 service animal or law enforcement animal; and

14           (b) The person, entity, or organization that incurs the  
15 cost of retraining or replacing the service animal or  
16 law enforcement animal for the cost of retraining or  
17 replacing the service animal or law enforcement animal  
18 if it is disabled or killed.

19           ~~[(5)]~~ (6) As used in this section "service animal" shall  
20 have the same meaning as in section 347-2.5."



1           SECTION 5. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4           SECTION 6. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6           SECTION 7. This Act shall take effect upon its approval.



**Report Title:**

Penal Code; Animal Cruelty; Pet Animals; Service Animals; Law Enforcement Animals; Penalties

**Description:**

Increases the criminal penalties for the offenses of cruelty to animals in the first and second degree that involve pet animals. Increases the criminal penalty for a second or subsequent offense of causing injury or death to a service animal or law enforcement animal. (SD1)

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