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## A BILL FOR AN ACT

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RELATING TO ANIMALS.

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

1       SECTION 1. Section 142-74, Hawaii Revised Statutes, is  
2       amended to read as follows:  
3       "**§142-74 Liability of dog or cat owner; penalty.** (a) If  
4       any dog[7] or cat, while on private property without the consent  
5       of the owner of that property, injures or destroys any sheep,  
6       cattle, goat, hog, fowl, or other property belonging to any  
7       person other than the owner of the dog[7] or cat, the owner of  
8       the dog or cat shall be liable in damages to the person injured  
9       for the value of the property so injured or destroyed. The  
10      owner of the dog or cat shall confine or destroy the dog[7] or  
11      cat, and if the owner of the dog or cat neglects or refuses to  
12      do so, the owner of the dog[7] or cat, in the event of any  
13      further damage being done to the person or property of any  
14      person by the dog[7] or cat, in addition to paying the person  
15      injured for the damage, shall pay the costs of the trial  
16      together with the penalty imposed under section 142-12, and it



1 shall be lawful for any other person to destroy the dog[-] or  
2 cat.

3 (b) Each county may enact and enforce ordinances  
4 regulating [~~persons who own, harbor, or keep~~] owners of any dog  
5 or cat that has injured, maimed, or destroyed [~~an~~]:

6 (1) An animal belonging to another person[-];

7 (2) Any threatened or endangered species; or

8 (3) An animal protected by the Migratory Bird Treaty Act  
9 of 1918 (16 U.S.C. 703-712), as amended.

10 No ordinance enacted under this subsection shall be held invalid  
11 on the ground that it covers any subject or matter embraced  
12 within any statute or rule of the State; provided that the  
13 ordinance shall not affect the civil liability of a person  
14 owning, harboring, or keeping the dog[-] or cat. Upon enactment  
15 of an ordinance, whether enacted on, before, or after June 30,  
16 2001, the ordinance shall have full force and effect; provided  
17 that the ordinance is consistent with this section.

18 (c) As used in this section, "owner" means any person who  
19 owns, keeps, feeds, or harbors a dog or cat."



1       SECTION 2. Section 183D-1, Hawaii Revised Statutes, is  
2 amended by amending the definition of "predators" to read as  
3 follows:

4       ""Predators" means animals destructive of wildlife by  
5 nature of their predatory habits, including mongooses, cats,  
6 dogs, and [~~rats.~~] rodents."

7       SECTION 3. Section 183D-62, Hawaii Revised Statutes, is  
8 amended to read as follows:

9       "**§183D-62 Taking, injuring, or destroying wild birds;**  
10 **taking, injuring or destroying native birds by pet animals;**  
11 **prohibited.** (a) Except as provided in section 183D-61, no  
12 person shall intentionally, knowingly, or recklessly take,  
13 catch, injure, kill, or destroy, or attempt to take, catch,  
14 injure, kill, or destroy, any wild bird, or to keep or have  
15 possession of any wild bird, dead or alive, or to damage or  
16 destroy a nest of any wild bird.

17       (b) The taking, injuring, or destroying of a native bird  
18 or its nest, excluding any species listed as introduced or  
19 injurious by title 13, chapter 124 of the Hawaii Administrative  
20 Rules, and feral chickens, by an individual's pet animal, such  
21 as a dog or cat, is prohibited and the owner of any such pet



1 animal shall be held liable for any such taking, injuring, or  
2 destroying of a native bird or its nest. As used in this  
3 subsection, "owner" means any person who owns, keeps, feeds, or  
4 harbors a dog or cat."

5 SECTION 4. Section 183D-65, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 **"§183D-65 Posting; destruction of predators.** (a) On any  
8 game management area, public hunting area, or forest reserve or  
9 other lands under the jurisdiction of the department, predators  
10 deemed harmful to wildlife by the department may be destroyed by  
11 any means deemed necessary by the department.

12 (b) Where the predators are dogs and the methods of  
13 destruction may endanger pets or hunting dogs, all major points  
14 of entrance into the area where the predators are to be  
15 destroyed shall be posted with signs indicating that a program  
16 of predator destruction in the area is in progress. Any  
17 predator may be destroyed in a posted area without claim or  
18 penalty whether or not the predator is the property of some  
19 person.

20 (c) It shall be unlawful for an individual to release,  
21 feed, water, or otherwise care for any unrestrained predator on



1 state lands under the jurisdiction of the department. An  
2 individual who violates this subsection shall be assessed an  
3 administrative fine of not less than:

4 (1) \$100 for a first violation;

5 (2) \$500 for a second violation; and

6 (3) \$1,000 for a third or subsequent violation.

7 This subsection shall not apply to hunters who deploy,  
8 feed, or water unrestrained dogs in the course of hunting or to  
9 individuals operating as part of a duly permitted program by the  
10 department to trap and permanently remove predators from state  
11 lands."

12 SECTION 5. This Act does not affect rights and duties that  
13 matured, penalties that were incurred, and proceedings that were  
14 begun before its effective date.

15 SECTION 6. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

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

18

INTRODUCED BY:

*ZHC*

JAN 16 2025



# H.B. NO. 363

**Report Title:**

Animals; Cat Owner Liability; Wildlife Protection; Native Birds;  
Care of Predators on State Lands; DLNR; Prohibition; Fines

**Description:**

Establishes cat owner liability for harm to property or native birds. Prohibits the care of predators on state lands under the jurisdiction of the Department of Land and Natural Resources. Establishes administrative fines.

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

