
A BILL FOR AN ACT

RELATING TO CRUELTY TO ANIMALS.

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

SECTION 1. Section 711-1108.5, Hawaii Revised Statutes, is amended to read as follows:

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

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

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

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

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

(a) Accepted veterinary practices when the practices are performed by a veterinarian licensed under chapter 471; and



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

4 (3) Subsection (1)(b) shall not apply to:

5 (a) Humane euthanasia of any animal by an animal control
6 officer, duly incorporated humane society, duly
7 incorporated society for the prevention of cruelty to
8 animals, or duly authorized governmental agency in
9 accordance with American Veterinary Medical
10 Association accepted standards; or

11 (b) Conduct which the actor believes to be necessary to
12 avoid an imminent harm or evil to the actor, another
13 person, or an animal; provided that the harm or evil
14 sought to be avoided by such conduct is greater than
15 that sought to be prevented by this section and is
16 justifiable as provided in section 703-302 for choice
17 of evils; provided further that, for purposes of this
18 paragraph, as the justification described in section
19 703-302 shall also apply to conduct which the actor
20 believes to be necessary to avoid an imminent harm or
21 evil to an animal.



1 (4) Subsection (1) shall not apply to predator control or
2 trapping conducted for the purpose of protecting property or
3 native biodiversity.

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

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

14 ~~[(+6)]~~ (7) For the purposes of this section, "person" means
15 any individual; any firm, partnership, joint venture,
16 association, limited liability company, corporation, estate,
17 trust, receiver, or syndicate; or any other legal entity."

18 SECTION 2. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

4

INTRODUCED BY:

ZHC

JAN 20 2026



H.B. NO. 1735

Report Title:

Animal Cruelty; Predator Control; Trapping; Exemption

Description:

Exempts predator control and trapping for the purpose of protecting property or native biodiversity from the offense of cruelty to animals in the first degree.

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