

JAN 23 2026

A BILL FOR AN ACT

RELATING TO ANIMALS.

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

1 PART I

2 SECTION 1. The Hawaii Revised Statutes is amended by
3 adding a new chapter to be appropriately designated and to read
4 as follows:

5 "CHAPTER A

6 PREVENTION OF CRUELTY TO DOGS

7 **SA-1 Definitions.** As used in this chapter:

8 "Dog" means any animal that is wholly or in part of the
9 subspecies *canis lupus familiaris*.

10 "Dog breeder" means any person who owns, possesses,
11 controls, or otherwise has charge or custody of more than ten
12 dogs over the age of twelve months with intact sexual organs,
13 and who sells, barters, or otherwise transfers more than three
14 litters and more than twenty-five dogs per calendar year.

15 "Litter" means one or more dogs that are born to the same
16 mother at the same time.



1 "Person" means any individual, firm, partnership, joint
2 venture, association, limited liability company, corporation,
3 estate, trust, receiver, or syndicate; provided that the term
4 shall not include:

5 (1) An animal control or welfare agency tax exempt under
6 title 26 United States Code section 501(c)(3);

9 (3) A veterinary clinic.

10 "Regular exercise" means providing the dog with constant
11 and unfettered access to an outdoor or indoor exercise area that
12 provides at least four times the square footage of indoor floor
13 space required for each dog pursuant to paragraph (3) of the
14 definition of "sufficient space for movement".

15 "Sufficient food and clean water" means access to adequate
16 amounts of appropriately nutritious food to maintain good
17 health; and continuous access to potable water that is
18 substantially free from debris, feces, algae, and other
19 contaminants.

20 "Sufficient housing or shelter" means constant and
21 unfettered access to an indoor enclosure that:



- 1 (1) Is sufficiently ventilated at all times to minimize
2 odors, drafts, and ammonia levels, and to prevent
3 moisture condensation;
- 4 (2) Has a means of fire suppression, such as functioning
5 fire extinguishers, located within forty feet of the
6 cage or enclosure;
- 7 (3) Has sufficient lighting to allow for observation of
8 the dogs at any time of day or night;
- 9 (4) Is not placed more than forty-two inches above the
10 floor;
- 11 (5) Is not stacked or otherwise placed on top of or below
12 another animal's cage or primary enclosure; and
- 13 (6) Is cleaned at least once a day of feces, hair, dirt,
14 debris, and food waste.

"Sufficient space for movement" means the following:

16 (1) Sufficient indoor space for each dog to lie down and
17 fully extend limbs and stretch freely without touching
18 the sides of the enclosure or another dog, and to turn
19 in a complete circle without any impediments,
20 including a tether;





5 SA-2 Limit on number of dogs. No person shall own,
6 possess, control, or otherwise have charge or custody of more
7 than thirty dogs, with intact sexual organs and over the age of
8 one year, at any time.

9 **SA-3 Standard of care; recordkeeping.** (a) A dog breeder
10 shall provide the following for each dog:

- 11 (1) Regular exercise;
- 12 (2) Sufficient food and clean water;
- 13 (3) Sufficient housing or shelter;
- 14 (4) Sufficient space for movement;
- 15 (5) Sufficient veterinary care; and
- 16 (6) A microchip implanted under the skin;

17 provided that no microchip shall be implanted in any dog aged
18 less than four months.

19 (b) No dog breeder shall breed any dog:

20 (1) Unless the dog is between the ages of twelve months
21 and eight years of age;



- 1 (2) To produce more than two litters in any eighteen-month
2 period; or
- 3 (3) Determined by a veterinarian to be unfit for breeding
4 purposes.
- 5 (c) A dog breeder shall maintain a record for each dog and
6 the dog's offspring including the following information:
 - 7 (1) Each breeding dog shall be identified by the
8 implantation of a microchip, and each dog's health
9 records shall accurately record the appropriate
10 identification;
 - 11 (2) All veterinary treatment, including the following:
 - 12 (A) A record of each inoculation and de-worming
13 treatment, if any, including the dates and types
14 of treatments administered; and
 - 15 (B) A record of any veterinary treatments or
16 medications received;
 - 17 (3) The date of birth of the dog or, if the date of birth
18 is unknown, the date the dog breeder acquired
19 possession, control, or charge of the dog and the
20 source of the dog;
 - 21 (4) The dates on which the dog has been bred;



9 Records shall be retained for at least three years
10 following the death of the dog or a date on which the dog
11 breeder permanently ceased to have possession or control of the
12 dog.

13 **SA-4** **Prohibitions on certain types of dogs in the same**

14 **enclosure.** No dog breeder shall place:

15 (1) A dog with a vicious or aggressive disposition in an
16 enclosure with another dog, except for breeding

17 purposes;

18 (2) Breeding females in heat in the same enclosure at the

19 same time with sexually mature males, except for

20 breeding purposes;



7 **SA-5 Penalty.** Any person who violates section A-2, A-3,
8 or A-4 shall be guilty of a misdemeanor. Each violation shall
9 constitute a separate offense. If the circumstances warrant a
10 charge of cruelty to animals in the second degree prescribed
11 under section 711-1109, the defendant may be charged with
12 violating that section instead.

13 **SA-6 Severability.** Any violation of section A-2, A-3, or
14 A-4 shall be in addition to and not in lieu of any other state
15 and federal laws protecting animal welfare. Sections A-2, A-3,
16 and A-4 shall not be construed to limit any state law, rule, or
17 regulation protecting the welfare of animals, nor shall anything
18 in these sections prevent a local governing body from adopting
19 and enforcing its own animal welfare laws and regulations in
20 addition to these sections."



1 SECTION 2. Chapter 143, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§143- Dog breeders; license required; fees; minimum
5 requirements; premises available for inspection; civil
6 penalties. (a) It shall be unlawful for any person to own or
7 operate as a dog breeder unless the person obtains a valid
8 license as a dog breeder pursuant to this chapter.
9 (b) Each county council shall have the power to fix
10 license fees for dog breeders on a biennial basis. Until and
11 unless otherwise provided by ordinance, the biennial license fee
12 for each dog breeder shall be \$500. Any person operating as a
13 dog breeder shall pay the license fee to the director of finance
14 of the county in which the breeder operation is located. The
15 license fee shall be due and payable on January 2 of every
16 second year and shall be paid before March 11 of every second
17 year, or within thirty days after becoming subject to this
18 chapter. The full amount of the fee shall be paid for any
19 fraction of the license period for which a license is issued.
20 All moneys received by the director of finance under this
21 chapter shall be paid into the general fund of each county.



1 (c) The minimum standards regarding the care, treatment,
2 and proper recordkeeping requirements in dog breeding operations
3 shall be the same as prescribed under section A-3.

4 (d) A dog breeder licensee shall make its premises
5 available for unannounced inspection by the county or the
6 county's contracted designee, pursuant to section 143-15, during
7 regular business hours.

8 (e) Any person who operates as a dog breeder without a
9 license shall be subject to a civil penalty of up to \$1,000;
10 provided that each day of a violation shall be considered a
11 separate offense. Any failure to comply with the standards and
12 recordkeeping requirements prescribed under section A-3 shall be
13 subject to a civil penalty of up to \$1,000 for each violation."

14 SECTION 3. Section 143-1, Hawaii Revised Statutes, is
15 amended by adding three new definitions to be appropriately
16 inserted and to read as follows:

17 ""Dog breeder"" means any person who owns, possesses,
18 controls, or otherwise has charge or custody of more than ten
19 dogs over the age of twelve months with intact sexual organs,
20 and who sells, barters, or otherwise transfers more than three
21 litters and more than twenty-five dogs per calendar year.



1 "Person" means any individual, firm, partnership, joint
2 venture, association, limited liability company, corporation,
3 estate, trust, receiver, or syndicate; provided that the term
4 shall not include:

5 (1) An animal control or welfare agency tax exempt under
6 title 26 United States Code section 501(c) (3);
7 (2) A person who provides care for dogs at the request of
8 a government agency; or
9 (3) A veterinary clinic.

10 "Premises" means the location of property, whether private
11 or public, upon which buildings, yards, kennels, pens, and cages
12 are used by a dog breeder in the usual course of business."

13 SECTION 4. Section 143-15, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"§143-15 Contracts for seizing and impounding dogs.** Any
16 county may contract with any society or organization formed for
17 the prevention of cruelty to animals, or similar dog protective
18 organization, for [the]:

19 (1) The seizure and impounding of all unlicensed dogs,
20 [and for the] dogs owned by a dog breeder not in
21 compliance with this chapter and any rules adopted



1 pursuant to this chapter, and dogs owned by a person
2 acting in the capacity of or engaged in the business
3 of a dog breeder within the county without a dog
4 breeder license obtained under and in compliance with
5 this chapter and any rules adopted pursuant to this
6 chapter;

7 (2) The maintenance of a shelter or pound for [unlicensed]
8 seized dogs, and for lost, strayed, and homeless dogs,
9 [and for the]; and

10 (3) The destruction or other disposition of seized dogs
11 not redeemed as provided in this chapter.

12 The county may prescribe in the contract the manner in which the
13 work is to be done by the society or organization and it may
14 also direct the disposition to be made of all dogs seized
15 pursuant to this chapter."

PART II

17 SECTION 5. The Hawaii Revised Statutes is amended by
18 adding a new chapter to be appropriately designated and to read
19 as follows:

"CHAPTER B

REGISTRATION OF ANIMAL ABUSERS



1 **SB-1 Definitions.** As used in this chapter, unless the
2 context otherwise requires:

3 "Animal abuse" means an offense that is set forth in
4 section 711-1108.5 or 711-1109, or the comparable animal cruelty
5 statutes in any other state.

6 "Animal abuser" means a person who is or has been convicted
7 of animal abuse.

8 "Animal breeder" means any entity engaged in the practice
9 of facilitating the reproduction of animals for the purpose of
10 distributing the resulting offspring to one or more other
11 individuals or entities.

12 "Animal shelter" means a public or privately owned
13 organization including, but not limited to, any duly
14 incorporated humane society, pound, animal protective
15 association or animal rescue group which maintains buildings,
16 structures, or other property for the purpose of harboring
17 animals which may be stray, unwanted, lost, abandoned, or abused
18 and seeks to find appropriate temporary or permanent homes for
19 such animals.



1 "Attorney general" means the attorney general of the State
2 of Hawaii, the department of the attorney general, or an
3 authorized representative of the attorney general.

4 "Conviction" means a judgment on the verdict, or a finding
5 of guilt after a plea of guilty or nolo contendere, excluding
6 the adjudication of a minor, and occurs on the date judgment is
7 entered.

8 "Out-of-state conviction" means a conviction in any other
9 state of the United States, the District of Columbia, or the
10 five principal United States territories, including the
11 Commonwealth of Puerto Rico, Guam, American Samoa, the Northern
12 Mariana Islands, and the United States Virgin Islands.

13 "Permanent residence" means a building, permanent structure
14 or unit therein, or watercraft where the animal abuser resides
15 and intends to reside indefinitely, or at least for the next one
16 hundred eighty days, and which the animal abuser owns, rents, or
17 occupies with the consent of the owner.

18 "Pet store" means any place or premise where birds,
19 mammals, or reptiles are kept for the purpose of sale at either
20 wholesale or retail, import, export, barter, exchange, or gift.



1 "Registration information" means the information specified
2 in section B-2(c).

3 "Release" means release from:

4 (1) Imprisonment;

5 (2) Imprisonment and placed on parole;

6 (3) Imprisonment and placed on furlough;

7 (4) Any form of commitment, custody, or confinement

8 resulting from an order made pursuant to chapter 704;

9 or

10 (5) A halfway house or other equivalent facility,

11 whichever is later.

12 "Temporary residence" means a building, permanent structure
13 or unit therein, watercraft, emergency shelter, or transitional
14 housing facility where the animal abuser resides, but does not
15 intend to reside for more than one hundred eighty days.

16 **§B-2 Registration requirements.** All animal abusers shall
17 register with the attorney general and comply with the
18 provisions of this chapter for life or for a shorter period of
19 time as provided in this chapter. Registration under this
20 subsection is required whenever the animal abuser, whether or
21 not a resident of this State, remains in this State for more



1 than ten days or for an aggregate period exceeding thirty days
2 in one calendar year. An animal abuser shall be eligible to
3 petition the court in a civil proceeding for an order that the
4 animal abuser's registration requirements under this chapter be
5 terminated, as provided in section B-8.

6 (b) A person who establishes or maintains a residence in
7 this State and who has not been designated as an animal abuser
8 by a court of this State but who has been designated as an
9 animal abuser in another state or jurisdiction and was, as a
10 result of the designation, subjected to registration or
11 community or public notification, or both, or would be if the
12 person was a resident of that state or jurisdiction, without
13 regard to whether the person otherwise meets the criteria for
14 registration as an animal abuser, shall register in the manner
15 provided in this section. A person who meets the criteria of
16 this subsection is subject to the requirements and penalty
17 provisions of section B-4 until the person successfully
18 petitions the attorney general for termination of registration
19 requirements by:

20 (1) Providing an order issued by the court that designated
21 the person as an animal abuser in the state or



1 jurisdiction in which the order was issued, which
2 states that the designation has been removed or
3 demonstrates to the attorney general that the
4 designation, if not imposed by a court, has been
5 removed by operation of law or court order in the
6 state or jurisdiction in which the designation was
7 made, and the person does not meet the criteria for
8 registration as an animal abuser under the laws of
9 this State; or

10 (2) Demonstrating that the out-of-state convictions upon
11 which the animal abuser designation was established
12 are not considered animal abuse under section B-1,
13 thereby showing that the person does not meet the
14 criteria for registration as an animal abuser under
15 the laws of this State.

16 If the animal abuser is not satisfied with the decision of the
17 attorney general on the request for termination of registration
18 requirements, the animal abuser may appeal the decision pursuant
19 to chapter 91.

20 (c) Registration information for each animal abuser shall
21 contain a signed statement by the animal abuser containing:



- 1 (1) The name, all prior names, nicknames and pseudonyms,
2 and all aliases used by the animal abuser;
- 3 (2) The actual address and telephone number of the animal
4 abuser's permanent residence or the address of the
5 animal abuser's current temporary residence;
- 6 (3) A statement listing all the offenses for which
7 registration is required, the city or town where the
8 offense occurred, the date of conviction or
9 adjudication, and the sentence imposed; and
- 10 (4) A current photograph of the animal abuser.
- 11 (d) Each animal abuser required to register with the
12 attorney general under this section shall register no later than
13 three working days after the earliest of:
 - 14 (1) Arrival in this State;
 - 15 (2) Release from incarceration;
 - 16 (3) Release from commitment;
 - 17 (4) Release on furlough;
 - 18 (5) Conviction for animal abuse, unless incarcerated;
 - 19 (6) Release on probation;
 - 20 (7) Placement on parole; or



§B-3 Requirement to register a change of registration

5 **information.** An animal abuser required to register under this
6 chapter, who changes any of the animal abuser's registration
7 information after an initial registration with the attorney
8 general, shall notify the attorney general of the new
9 registration information in writing within three working days of
10 the change. For purposes of this section, a person shall be
11 deemed to have established a new residence during any period in
12 which the person is absent from the person's registered
13 residence for ten or more days. If, at any time, an animal
14 abuser required to register under this chapter is absent from
15 the person's registered residence for ten or more days, the
16 animal abuser shall notify the attorney general in writing
17 within three working days of the animal abuser's current
18 residence information. If the animal abuser leaves the State
19 and establishes a new residence in another state that has a
20 registration requirement, the person shall register with the
21 designated law enforcement agency in the state to which the



1 person moves, within the period of time mandated by the new
2 state's animal abuse registration laws.

3 **SB-4 Failure to comply with animal abuser registration**

4 **requirements.** (a) A person commits the offense of failure to
5 comply with animal abuser registration requirements if the
6 person is required to register under this chapter and the person
7 intentionally, knowingly, or recklessly:

8 (1) Fails to register with the attorney general by
9 providing to the attorney general or the Hawaii
10 criminal justice data center the person's registration
11 information;

12 (2) Fails to notify the attorney general or the Hawaii
13 criminal justice data center of a change of any of the
14 animal abuser's registration information in writing
15 within three working days of the change;

16 (3) Provides false registration information to the
17 attorney general or the Hawaii criminal justice data
18 center;

19 (4) Signs a statement verifying that all of the
20 registration information is accurate and current when



1 any of the registration information is not
2 substantially accurate and current; or
3 (5) Having failed to establish a new residence within the
4 ten days while absent from the person's registered
5 residence for ten or more days, fails to notify the
6 attorney general in writing within three working days
7 of the animal abuser's current residence information;
8 (b) With respect to subsection (a)(1), (2), or (5), if a
9 defendant intends to rely upon the defense that the person was
10 in custody or civilly committed, the defendant shall within the
11 time provided for the filing of pretrial motions or at a later
12 time as the court may direct, notify the prosecutor in writing
13 of the defendant's intention and file a copy of the notice with
14 the court.

15 (c) Failure to comply with animal abuser registration
16 requirements is a misdemeanor.

17 **SB-5 Access to registration information.** The attorney
18 general shall keep confidential and shall not publish
19 registration information; provided that registration information
20 shall be made available for inspection by any animal shelter,
21 pet store, animal breeder, zoo, or aquarium in the State.



1 **SB-6 Requirement to check registration information.** (a)
2 All animal shelters, pet stores, and animal breeders in the
3 State shall determine whether any person seeking to purchase or
4 adopt an animal is required to comply with the registration
5 requirements of this chapter. No animal shelter, pet store, or
6 animal breeder shall knowingly offer, sell, deliver, give, or
7 provide an animal to any person who is required to comply with
8 the registration requirements of this chapter.

9 (b) All animal shelters, pet stores, animal breeders,
10 zoos, and aquariums in the State shall determine whether any
11 person seeking to become an employee or volunteer is required to
12 comply with the registration requirements of this chapter. No
13 animal shelter, pet store, animal breeder, zoo, or aquarium
14 shall knowingly allow any person who is required to comply with
15 the registration requirements of this chapter to be employed by
16 or to volunteer with the entity.

17 **SB-7 Penalties.** (a) Any animal abuser who violates the
18 provisions of section 711-1108.5(5) or 711-1109(5) by possessing
19 or owning a pet animal or equine animal, or having employment or
20 serving as a volunteer at an animal shelter, pet store, animal



1 breeder, zoo, or aquarium shall be punished by a fine of not
2 less than \$.

3 (b) Any animal shelter, pet store, animal breeder, zoo, or
4 aquarium who violates the provisions of section B-6 shall be
5 punished by a fine of not less than \$.

6 **SB-8 Termination of registration requirements.** An animal
7 abuser who has substantially complied with the registration
8 requirements of this chapter for the previous years and
9 who is not a repeat animal abuser may petition the court, in a
10 civil proceeding, for the termination of registration
11 requirements."

12 SECTION 6. Chapter 711, Hawaii Revised Statutes, is
13 amended by adding a new section to part I to be appropriately
14 designated and to read as follows:

15 "**§711- Animal hoarding.** (1) A person commits the
16 offense of animal hoarding if the person intentionally,
17 knowingly, or recklessly:
18 (a) Possesses more than dogs, cats, or a combination
19 of dogs and cats;
20 (b) Fails to provide necessary sustenance for each dog or
21 cat; and



1 (c) Fails to correct the conditions under which the dogs
2 or cats are living, where conditions injurious to the
3 dogs', cats', or owner's health and well-being result
4 from the person's failure to provide necessary
5 sustenance.

6 (2) Animal hoarding is a misdemeanor. In addition to any
7 penalty authorized for a person convicted of an offense under
8 this section, the court shall require the defendant undergo
9 mental health assessment and treatment."

10 SECTION 7. Section 711-1108.5, Hawaii Revised Statutes, is
11 amended by amending subsections (5) and (6) to read as follows:

12 "(5) Cruelty to animals in the first degree is a class [C]
13 B felony[–]; provided that if the court finds that the offense
14 was especially heinous, atrocious, or cruel, manifesting
15 exceptional depravity or that the person was previously
16 convicted of the offense of cruelty to animals in the first
17 degree in this State, cruelty to animals in the first degree is
18 a class A felony. In addition to any fines and imprisonment
19 imposed under this section, any person convicted under this
20 section shall be prohibited from possessing or owning any pet
21 animal or equine animal ~~[for a minimum of five years from the~~



1 date of conviction.], or having employment or serving as a
2 volunteer at an animal shelter, pet store, animal breeder, zoo,
3 or aquarium while the person is required to comply with the
4 registration requirements in chapter B.

5 [+] (6) [+] For the purposes of this section[, "person"]:
6 "Especially heinous, atrocious, or cruel, manifesting
7 exceptional depravity" has the same meaning as defined in
8 section 706-657.

9 "Person" means any individual; any firm, partnership, joint
10 venture, association, limited liability company, corporation,
11 estate, trust, receiver, or syndicate; or any other legal
12 entity.

13 "Previously convicted" has the same meaning as defined in
14 section 706-657."

15 SECTION 8. Section 711-1109, Hawaii Revised Statutes, is
16 amended to read as follows:

17 **"§711-1109 Cruelty to animals in the second degree. (1)**
18 A person commits the offense of cruelty to animals in the second
19 degree if the person intentionally, knowingly, or recklessly:
20 (a) Overdrives, overloads, tortures, torments, beats,
21 causes substantial bodily injury to, or starves any



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



- 1 (f) Confines or causes to be confined, in a kennel or
- 2 cage, any pet animal in a cruel or inhumane manner;
- 3 (g) Tethers, fastens, ties, or restrains a dog to a
- 4 doghouse, tree, fence, or any other stationary object,
- 5 or uses a trolley, trolley with swivels, pulley,
- 6 cable, running line, or trolley lacking swivels at
- 7 each end that is designed to attach a dog to two
- 8 stationary objects in a configuration that endangers
- 9 the dog, including preventing the dog from obtaining
- 10 necessary sustenance;
- 11 (h) Tethers or restrains a dog under the age of six months
- 12 unless the dog is engaged in an activity supervised by
- 13 its owner or an agent of its owner;
- 14 (i) Tethers or restrains a dog by a tow or log chain;
- 15 (j) Tethers or restrains by means of choke collar, pinch
- 16 collar, or prong collar unless the dog is engaged in
- 17 an activity supervised by its owner or an agent of its
- 18 owner; or
- 19 (k) Assists another in the commission of any act specified
- 20 in paragraphs (a) through (j).



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

20 (5) If the offense involves ten or more pet animals in any
21 one instance or the person was previously convicted of cruelty



1 to animals in the second degree in this State, cruelty to
2 animals in the second degree is a class B felony. In addition
3 to any other penalties imposed, the person shall be prohibited
4 from possessing or owning any pet animal or equine animal, or
5 having employment or serving as a volunteer at an animal
6 shelter, pet store, animal breeder, zoo, or aquarium while the
7 person is required to comply with the registration requirements
8 in chapter B.

9 (6) For the purposes of this section, "previously
10 convicted" has the same meaning as defined in section 706-657."

11 SECTION 9. Section 711-1109.1, Hawaii Revised Statutes, is
12 amended by amending subsection (1) to read as follows:

13 "(1) If there is probable cause to believe that a pet
14 animal or equine animal is being subjected to treatment in
15 violation of section 711-1108.5, 711-1109, 711-1109.3, [or]
16 711-1109.35, or 711-_____, as applicable, a law enforcement
17 officer, after obtaining a search warrant, or in any other
18 manner authorized by law, may enter the premises where the pet
19 animal or equine animal is located to provide the pet animal or
20 equine animal with food, water, and emergency medical treatment
21 or to impound the pet animal or equine animal. If after



1 reasonable effort, the owner or person having custody of the pet
2 animal or equine animal cannot be found and notified of the
3 impoundment, an impoundment notice shall be conspicuously posted
4 on the premises and within seventy-two hours after posting, the
5 notice shall be sent by certified mail to the address, if any,
6 from which the pet animal or equine animal was removed."

7 SECTION 10. Section 711-1109.2, Hawaii Revised Statutes,
8 is amended as follows:

9 1. By amending subsection (1) to read:

10 "(1) If any pet animal or equine animal is impounded
11 pursuant to section 711-1109.1, prior to filing of, or final
12 disposition of a criminal charge under section 711-1108.5,
13 711-1109, 711-1109.3, [or] 711-1109.35, or 711-____, as
14 applicable, against the pet animal's or equine animal's owner,
15 any duly incorporated humane society or duly incorporated
16 society for the prevention of cruelty to animals that is holding
17 the pet animal or equine animal may file a petition in the court
18 that would have jurisdiction over the criminal case when the
19 criminal charge is filed, if the petition is filed prior to the
20 filing of the criminal charge, or in the criminal action
21 requesting that the court issue an order for forfeiture of the



1 pet animal or equine animal to the county or to the duly
2 incorporated humane society or duly incorporated society for the
3 prevention of cruelty to animals prior to the filing of the
4 criminal charge that arises from the impoundment or final
5 disposition of the criminal charge. The petitioner shall serve
6 a true copy of the petition upon the owner or custodian of the
7 impounded pet animal or equine animal, when a petition is filed
8 prior to the filing of the criminal charge, or the defendant, in
9 the criminal action, and the prosecuting attorney."

10 2. By amending subsection (3) to read:

11 "(3) At a hearing conducted pursuant to subsection (2),
12 the petitioner shall have the burden of establishing probable
13 cause that the pet animal or equine animal was subjected to a
14 violation of section 711-1108.5, 711-1109, 711-1109.3, [or]
15 711-1109.35, or 711-____, as applicable. If the court finds that
16 probable cause exists, the court shall order immediate
17 forfeiture of the pet animal or equine animal to the petitioner,
18 unless the owner or custodian of the impounded pet animal or
19 equine animal, when a petition is filed prior to the filing of
20 the criminal charge, or the defendant, in the criminal action,
21 within seventy-two hours of the hearing:



1 (a) Posts a security deposit or bond with the court clerk
2 in an amount determined by the court to be sufficient
3 to repay all reasonable costs incurred, and
4 anticipated to be incurred, by the petitioner in
5 caring for the pet animal or equine animal from the
6 date of initial impoundment to the date of trial; or
7 (b) Demonstrates to the court that proper alternative care
8 has been arranged for the pet animal or equine animal.
9 Notwithstanding subsection (3)(a), a court may waive, for good
10 cause shown, the requirement that the owner or custodian of the
11 impounded pet animal or equine animal, when a petition is filed
12 prior to the filing of the criminal charge, or the defendant, in
13 the criminal action, post a security deposit or bond."

14 3. By amending subsection (5) to read:

15 "(5) No pet animal or equine animal may be destroyed by a
16 petitioner under this section prior to final disposition of a
17 criminal charge under section 711-1108.5, 711-1109, 711-1109.3,
18 [or] 711-1109.35, or 711-, as applicable, against the pet
19 animal's or equine animal's owner, except in the event that the
20 pet animal or equine animal is a danger to itself or others, or



1 so severely injured that there is no reasonable probability that
2 its life can be saved."

3 SECTION 11. Section 711-1110.5, Hawaii Revised Statutes,
4 is amended to read as follows:

5 **"§711-1110.5 Surrender or forfeiture of animals.** Upon
6 conviction, guilty plea, or plea of nolo contendere for any
7 violation of section 711-1108.5, 711-1109, 711-1109.3, [or]
8 711-1109.35[÷], or 711-_____:

9 (1) The court may order the defendant to surrender or
10 forfeit the animal whose treatment was the basis of
11 the conviction or plea to the custody of a duly
12 incorporated humane society or duly incorporated
13 society for the prevention of cruelty to animals for
14 the time and under the conditions as the court shall
15 order; and

16 (2) The court also may order the defendant to surrender or
17 forfeit any other animals under the possession,
18 custody, or control of the defendant to the custody of
19 a duly incorporated humane society or duly
20 incorporated society for the prevention of cruelty to
21 animals for the time and under the conditions as the



PART III

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

12 SECTION 13. In codifying the new chapters added by
13 sections 1 and 5 of this Act, the revisor of statutes shall
14 substitute appropriate chapter numbers for the letters used in
15 designating the new sections in this Act.

16 SECTION 14. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

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

19

INTRODUCED BY: Mike Gabbard



S.B. NO. 2710

Report Title:

Animal Cruelty; Commercial Dog Breeders; Licensing; Regulations; Penalties; Counties Animal Abuser Registration; Attorney General; Animal Hoarding

Description:

Defines a "dog breeder" as any person who owns, possesses, controls, or otherwise has charge or custody of more than ten dogs over the age of twelve months with intact sexual organs, and who sells, barters, or otherwise transfers more than three litters and more than twenty-five dogs per calendar year. Requires dog breeders to meet minimum standards of care and not place certain types of dogs in the same enclosure to ensure the proper treatment and care of dogs and the dogs' offspring. Prohibits any person from owning or having custody of more than thirty dogs over one year with intact sexual organs. Requires dog breeders to maintain specific written records for each dog for a specified period. Authorizes each county to assess, implement, and enforce its own licensing system for dog breeders. Requires persons convicted of animal cruelty to register with the attorney general. Requires animal shelters, animal breeders, and pet stores to check whether an individual has been convicted of animal abuse when the individual applies to work or volunteer, or purchases or adopts an animal. Prevents persons convicted of animal cruelty from possessing, owning, or working in close proximity to animals. Establishes the offense of animal hoarding. Establishes civil and criminal penalties for violations. Increases criminal penalties for cruelty to animals in the first and second degree. Allows for increased penalties for persons convicted of cruelty to animals in the first and second degree in certain situations.

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

