

---

---

# A BILL FOR AN ACT

RELATING TO DOG ATTACKS.

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

1           SECTION 1. The legislature finds that livestock production  
2 is an important contributor to the State's economy, food  
3 security, and land stewardship. Livestock producers responsibly  
4 manage their animals through fencing and low-stress handling  
5 techniques to ensure their health and well-being.

6           The legislature further finds that uncontrolled dogs often  
7 harass, injure, or kill livestock, causing significant losses.  
8 Livestock producers experience severe financial and emotional  
9 impacts from dog attacks, as a single attack can result in the  
10 loss of up to eighty animals.

11           The legislature also finds that California addresses dog  
12 attacks on livestock through strict liability provisions under  
13 the California Food and Agricultural Code, which may serve as a  
14 model for Hawaii.

15           The purpose of this Act is to increase penalties and  
16 enforcement mechanisms relating to dog attacks on livestock on  
17 land or premises within the agricultural district to ensure dog



1 owners maintain control of their animals and are held  
2 accountable when attacks occur. Authorizing the destruction of  
3 dogs that harass livestock is consistent with existing law,  
4 which provides similar protections for wildlife.

5 SECTION 2. Section 142-33, Hawaii Revised Statutes, is  
6 amended by amending subsection (b) to read as follows:

7 "(b) For the purposes of this section, "habitual  
8 agricultural crime perpetrator" means a person [~~who,~~]:

- 9 (1) Who, within five years of the instant offense, has any  
10 combination of three or more prior convictions for  
11 criminal offenses under this chapter or one or more  
12 prior convictions under this section[~~-~~]; or  
13 (2) Who has been found liable four or more times under  
14 section 142-74; provided that each liability finding  
15 shall be a final judgment entered by a court of  
16 competent jurisdiction.

17 The convictions or liability findings shall be for separate  
18 incidents on separate dates. The prosecution shall not be  
19 required to prove any state of mind with respect to the person's  
20 status as a habitual agricultural crime perpetrator. Proof that  
21 the person has the requisite minimum prior convictions or



1 liability findings shall be sufficient to establish this  
2 element."

3 SECTION 3. Section 142-74, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "~~§142-74 [Liability of dog owner; penalty.]~~ Damage to  
6 livestock or other property by dogs; liability; penalties. (a)

7 If any dog, while on [~~private property~~] land or premises in the  
8 agricultural district classified pursuant to chapter 205 without  
9 the consent of the owner or person in possession of that  
10 [~~property,~~] land or premises, injures or destroys any [~~sheep,~~  
11 ~~cattle, goat, hog, fowl,~~] livestock or other property belonging  
12 to any person other than the owner [~~or~~] or person responsible  
13 for the dog, the owner [~~or~~] or person responsible for the dog  
14 shall be liable in damages to the person injured for twice the  
15 value of the property so injured or destroyed. [~~The~~]

16 (b) The owner of any livestock, the owner's agent, or the  
17 owner's family member may destroy a dog if the dog is found in  
18 the act of injuring, destroying, or persistently pursuing or  
19 harassing livestock on land or premises in the agricultural  
20 district classified pursuant to chapter 205 that are not owned  
21 or possessed by the owner of the dog. No civil or criminal



1 action shall be maintained for destruction of a dog pursuant to  
2 this subsection.

3 (c) After any incident described in subsection (a), the  
4 owner of the dog shall confine or destroy the dog~~[, and if].~~ If  
5 the owner of the dog neglects or refuses to do so, and the dog  
6 subsequently causes further damage to the owner of the livestock  
7 or property of another, the owner of the dog, ~~[in the event of~~  
8 ~~any further damage being done to the person or property of any~~  
9 ~~person by the dog,~~] in addition to paying the person injured for  
10 the damage, shall be guilty of a misdemeanor, be fined no less  
11 than \$1,000, and pay the costs of the trial, and ~~[it shall be~~  
12 ~~lawful for any other person to destroy the dog.]~~ the dog may be  
13 lawfully destroyed by the owner of the livestock, the owner's  
14 agent, or the owner's family member.

15 (d) If a dog described in subsection (a) is not destroyed  
16 pursuant to subsection (b) or (c) and a person sustains any loss  
17 or damage to livestock caused by the dog, or if any livestock is  
18 destroyed because the livestock was injured or pursued by the  
19 dog, the person may file a complaint in the district court of  
20 the circuit in which the loss or damage occurred and the judge  
21 may order the dog be humanely euthanized.



1           ~~(b)~~ (e) Each county may enact and enforce ordinances  
2 regulating persons who own, harbor, or keep any dog that has  
3 injured, maimed, or destroyed an animal belonging to another  
4 person. No ordinance enacted under this subsection shall be  
5 held invalid on the ground that it covers any subject or matter  
6 embraced within any statute or rule of the State; provided that  
7 the ordinance shall not affect the civil liability of a person  
8 owning, harboring, or keeping the dog. Upon enactment of an  
9 ordinance, whether enacted on, before, or after June 30, 2001,  
10 the ordinance shall have full force and effect; provided that  
11 the ordinance is consistent with this section.

12           (f) Any destruction of a dog authorized under this section  
13 shall be carried out using means that are reasonable under the  
14 circumstances and not intended to cause undue suffering.

15           (g) For the purposes of this section, "livestock" means  
16 animals raised for agricultural production or value, including  
17 cattle, sheep, goats, swine, poultry, and other domesticated  
18 farm animals."

19           SECTION 4. This Act does not affect rights and duties that  
20 matured, penalties that were incurred, and proceedings that were  
21 begun before its effective date.



1 SECTION 5. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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



**Report Title:**

Dog Attacks; Livestock; Agricultural District; Liability

**Description:**

Clarifies liability and increases penalties and enforcement mechanisms for dog attacks on livestock occurring on land or premises within the agricultural district. (CD1)

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

