
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 [øf] or person responsible
13 for the dog, the owner [øf] 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) Any person may destroy any dog in cases where the dog
17 is found in the act of injuring or destroying livestock on land
18 or premises in the agricultural district classified pursuant to
19 chapter 205 not owned or possessed by the owner of the dog.

20 No civil or criminal action shall be maintained for destroying
21 any dog pursuant to this subsection.



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

12 (d) If any person sustains any loss or damage to livestock
13 caused by a dog, or if any livestock is destroyed because the
14 livestock was injured or pursued by a dog, the person may file a
15 complaint in the district court of the circuit in which the loss
16 or damage occurred. The complaint shall:

17 (1) Be in writing;

18 (2) Be signed by the complainant;

19 (3) State the date and location of the incident, a
20 description of the damage, and the estimated value of
21 the loss; and



1 (4) State, if known, the name of the person who owns or
2 was in charge of the dog when the loss or damage was
3 sustained.

4 (e) If the complaint identifies the person who owns or was
5 responsible for the dog at the time of the damage, the judge
6 shall forthwith issue a summons commanding that person to appear
7 before the judge to show cause why the dog should not be
8 destroyed. The summons shall:

9 (1) Set a return date no less than two days nor more than
10 six days from the date of issuance; and

11 (2) Be served at least two days before the time of
12 appearance.

13 Service may be made by any person over the age of eighteen or by
14 registered mail to the last known address of the owner or person
15 responsible for the dog. Any expense related to the summons
16 shall be borne by the owner of the injured or destroyed
17 livestock.

18 (f) On the return day, the judge shall determine whether
19 the loss of or damage to livestock was caused by the dog. If
20 the judge finds that the loss or damage was caused by the dog,
21 the judge shall order the owner or person responsible for the



1 dog to surrender the dog within twenty-four hours to an animal
2 control officer for prompt destruction.

3 (g) If two or more dogs kept by two or more owners or
4 persons responsible for the dogs injure or destroy any livestock
5 at the same time, the owners or persons responsible for the dogs
6 shall be jointly and severally liable for the damage.

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

18 (i) For the purposes of this section, "livestock" means
19 animals raised for agricultural production or value, including
20 cattle, sheep, goats, swine, poultry, and other domesticated
21 farm animals."



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

6 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

Dog Attacks; Livestock; Agricultural District; Liability

Description:

Clarifies owner liability and increases penalties and enforcement mechanisms for dog attacks on livestock on land or premises within the agricultural district. Effective 7/1/3000.
(HD1)

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

