
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 [~~of~~] or person responsible
13 for the dog, the owner [~~of~~] 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 a dog if the dog is found in
17 the act of injuring, destroying, or persistently pursuing or
18 harassing livestock on land or premises in the agricultural
19 district classified pursuant to chapter 205 that are not owned
20 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 person or property of
7 another, the owner of the dog, ~~[in the event of any further~~
8 ~~damage being done to the person or property of any person by the~~
9 ~~dog,~~] in addition to paying the person injured for the damage,
10 shall be guilty of a misdemeanor, be fined no less than \$1,000,
11 and pay the costs of the trial, and ~~[it shall be lawful for any~~
12 ~~other person to destroy the dog.]~~ the dog may be lawfully
13 destroyed by any person.

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

21 (1) Be in writing;



1 (2) Be signed by the complainant;

2 (3) State the date and location of the incident, a
3 description of the damage, and the estimated value of
4 the loss; and

5 (4) State, if known, the name of the person who owns or
6 was responsible for the dog when the loss or damage
7 was sustained.

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

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

15 (2) Be served at least two days before the time of
16 appearance.

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



1 (f) On the return day, the judge shall determine whether
2 the loss of or damage to livestock was caused by the dog. If
3 the judge finds that the loss or damage was caused by the dog,
4 the judge shall order the owner or person responsible for the
5 dog to surrender the dog within twenty-four hours to an animal
6 control officer for prompt destruction.

7 (g) If two or more dogs kept by two or more owners or
8 persons responsible for the dogs injure or destroy any livestock
9 at the same time, the owners or persons responsible for the dogs
10 shall be jointly and severally liable for the damage.

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



1 (i) Any destruction of a dog authorized under this section
2 shall be carried out using means that are reasonable under the
3 circumstances and not intended to cause undue suffering.

4 (j) For the purposes of this section, "livestock" means
5 animals raised for agricultural production or value, including
6 cattle, sheep, goats, swine, poultry, and other domesticated
7 farm animals."

8 SECTION 4. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 5. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 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 occurring on land or premises within the agricultural district. Effective 7/1/3000. (HD2)

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