

ACT 192

H.B. NO. 326

A Bill for an Act Relating to Cruelty to Animals.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 711-1109, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of cruelty to animals if [he] the person intentionally, knowingly or recklessly:

- [(a) Overdrives, overloads, tortures, torments, deprives of necessary sustenance, or cruelly beats or needlessly mutilates, or kills, or causes or procures to be overdriven, overloaded, tortured, tormented or deprived of necessary sustenance, or to be cruelly beaten, or needlessly mutilated, or killed, any living creature;]
- [(a) Overdrives, overloads, tortures, torments, cruelly beats or starves any animal or causes or procures the overdriving, overloading, torture, torment, cruel beating or starving of any animal;]
- [(b) Mutilates, poisons, or kills without need any animal other than insects, vermin, or other pests;]
- [(b) (c) Keeps [or], uses[;] or in any way is connected with or interested in the management of, or receives money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock or other [creature] animal, and every person who encourages, aids or assists therein, or who permits or suffers any place to be so kept or used;
- [(c) (d) Carries or causes to be carried, in or upon any vehicle or other conveyance, any [creature,] animal in a cruel or inhumane manner; or

[(d)] (e) [Sets on foot, or instigates in or does any act towards] Assists another in the [furtherance] commission of any act of cruelty to [animals.] any animal.”

SECTION 2. Section 711-1109, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

“(2) Subsection (1)(a), (b), [(c),] (d), (e) and the following subsection (3) are not applicable to accepted veterinary practices and to activities carried on for scientific research governed by standards of accepted educational or medicinal¹ practices.”

SECTION 3. Section 711-1100, Hawaii Revised Statutes, is amended to read as follows:²

[(1)] “Public” means affecting or likely to affect a substantial number of persons;

[(2)] “Public place” means a place to which the public or a substantial group of persons has access and includes highways, transportation facilities, schools, places of amusement or business, parks, playgrounds, prisons, and hallways, lobbies, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence;

[(3)] “Private place” means a place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance, but does not include a place to which the public or a substantial group thereof has access;

[(4)] “Obstructs” means renders impassable without unreasonable inconvenience or hazard;

[(5)] “Animal” includes every living creature[.], except a human being;

[(6)] “Cruelty”, “torture” or “torment” includes every act, omission, or neglect whereby unjustifiable physical pain, suffering, or death is caused or permitted.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved May 19, 1986.)

Notes

1. Prior to amendment “medical” appeared here.
2. So in original.