

ACT 259

S.B. NO. 2046

A Bill for an Act Relating to Guide Dogs, Signal Dogs, and Service Animals.

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

SECTION 1. Chapter 711, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

“§711- Causing injury or death to a guide dog, signal dog, or service animal. (1) A person commits the offense of causing injury or death to a guide dog, signal dog, or service animal if:

- (a) The person recklessly causes injury to or the death of any guide dog, signal dog, or service animal, while the dog is in the discharge of its duties; or
- (b) The person is the owner of a dog and recklessly permits that dog to attack a guide dog, signal dog, or service animal while that dog is in the discharge of its duties, resulting in the injury or death of the guide dog, signal dog, or service animal.

(2) Any person who commits the offense of causing injury or death to a guide dog, signal dog, or service animal shall be punished as follows:

- (a) For a first offense by a fine of not more than \$2,000, imprisonment of not more than thirty days, or both; and
- (b) For a second or subsequent offense by a fine of not more than \$5,000, imprisonment of not more than thirty days, or both.

(3) Any person who is convicted of a violation of this section shall be ordered to make restitution to:

- (a) The person with a disability who has custody or ownership of the guide dog, signal dog, or service animal, for any veterinary bills and out-of-pocket costs incurred as a result of the injury to the dog; and
- (b) The person or organization that incurs the cost of retraining or replacing the animal, for the cost of retraining or replacing the animal if it is disabled or killed.

(4) As used in this section, “guide dog”, “signal dog”, and “service animal” shall have the same meaning as in section 515-3(8).

§711- Intentional interference with the use of a guide dog, signal dog, or service animal. (1) A person commits the offense of intentional interference with the use of a guide dog, signal dog, or service animal if the person, with no legal justification, intentionally or knowingly:

- (a) Harms a guide dog, signal dog, or service animal; or
- (b) Strikes or kicks a guide dog, signal dog, or service animal;

while the guide dog, signal dog, or service animal is in the discharge of its duties.

(2) Intentional interference with the use of a guide dog, signal dog, or service animal is a misdemeanor.

(3) Nothing in this section is intended to affect any civil remedies available for a violation of this section.

(4) As used in this section, “guide dog”, “signal dog”, and “service animal” shall have the same meaning as in section 515-3(8).”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

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SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved July 5, 2002.)

Note

1. Edited pursuant to HRS §23G-16.5.