

ACT 160

S.B. NO. 1222

A Bill for an Act Relating to the Humane Treatment of Pet Animals.

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

SECTION 1. Section 711-1109, Hawaii Revised Statutes, is amended by amending subsections (1) and (2) to read as follows:

“(1) A person commits the offense of cruelty to animals in the second degree if the person intentionally, knowingly, or recklessly:

- (a) Overdrives, overloads, tortures, torments, beats, causes substantial bodily injury, or starves any animal, or causes the overdriving, overloading, torture, torment, beating, or starving of any animal~~[-or deprives]~~;
- (b) Deprives a pet animal of necessary sustenance or causes such deprivation;
- ~~(b)~~ (c) Mutilates, poisons, or kills without need any animal other than insects, vermin, or other pests;
- ~~(e)~~ (d) Keeps, 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, cock, or other animal, and includes every person who en-

courages, aids, or assists therein, or who permits or suffers any place to be so kept or used;

- (~~d~~) (e) Carries or causes to be carried, in or upon any vehicle or other conveyance, any animal in a cruel or inhumane manner; [~~o~~]
- (f) Confines or causes to be confined, in a kennel or cage, any pet animal in a cruel or inhumane manner;
- (g) Tethers, fastens, ties, or restrains a dog to a dog house, tree, fence, or any other stationary object by means of a choke collar, pinch collar, or prong collar; provided that a person is not prohibited from using such restraints when walking a dog with a hand-held leash or while a dog is engaged in a supervised activity; or
- (~~e~~) (h) Assists another in the commission of any act specified in subsections (1)(a) through [~~(1)(d)-~~] (1)(g).
- (2) Subsection (1)(a), (b), [~~(d), and~~] (c), (e),¹ (f), (g), and (h) shall not apply to:
- (a) Accepted veterinary practices;
 - (b) Activities carried on for scientific research governed by standards of accepted educational or medicinal practices; or
 - (c) Pest control operations conducted pursuant to chapter 149A by a pest control operator licensed pursuant to chapter 460J, if the pest control is performed under a written contract.”

SECTION 2. Section 711-1109.6, Hawaii Revised Statutes, is amended by amending subsection (1)² to read as follows:

“~~[[§711-1109.6]]~~ **Animal hoarding.** (1) A person commits the offense of animal hoarding if the person intentionally, knowingly, or recklessly:

- (a) Possesses more than [~~twenty~~] fifteen dogs, cats, or a combination of dogs and cats;
- (b) Fails to provide necessary sustenance for each dog or cat; and
- (c) Fails to correct the conditions under which the dogs or cats are living, where conditions injurious to the dogs’, cats’, or owner’s health and well-being result from the person’s failure to provide necessary sustenance.”

SECTION 3. Act 128, Session Laws of Hawaii 2008, is amended by amending section 7 to read as follows:

“SECTION 7. This Act shall take effect upon its approval and shall be repealed on July 1, [~~2011-~~] 2015.”

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

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

SECTION 6. This Act shall take effect on July 1, 2009.

(Approved June 26, 2009.)

Notes

1. The comma should not be underscored.
2. So in original.