

**ACT 208**

S.B. NO. 6

A Bill for an Act Relating to Animal Cruelty.

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

SECTION 1. The legislature finds that it is important to protect pet animals from cruel treatment and prevent pet animals from unnecessary or prolonged suffering. Steel-jawed leg-hold traps were originally designed to capture fur-bearing animals such as bears, fox, beavers, and other animals that are not present in Hawaii. Snares and foot- or leg-hold traps were designed to capture other non-domesticated animals.

Unfortunately, domesticated pet animals are frequent victims of snares and may also become victims of steel-jawed leg-hold, conibear, or foot- or leg-hold traps. Cases have been reported of dogs and cats found dead or severely injured after being caught in these devices, or chewing off their own limbs in an attempt to escape these devices.

The legislature further finds that existing laws and administrative rules do not prohibit or regulate the use of steel-jawed leg-hold, conibear, or foot- or leg-hold traps, or snares, all of which can be easily purchased on the Internet.

The purpose of this Act is to:

- (1) Require the reporting of dogs and cats that are captured or killed in a snare or trap;
- (2) Establish an animal cruelty offense for the use of steel-jawed leg-hold traps, and the use of snares, conibear, and foot- or leg-hold traps in residential areas;
- (3) Provide exemptions for activities carried out by state and federal agencies; and
- (4) Establish the offense as a misdemeanor.

SECTION 2. Chapter 143, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§143- Reporting of dog or cat captured or killed in snare or trap.** Any dog or cat captured or killed in any steel-jawed leg-hold trap, snare, conibear trap, or foot- or leg-hold trap, as those terms are defined in section 711- , in an area zoned as residential shall immediately be checked for identification and reported to a county animal control officer and, upon request, shall be turned over to the animal control officer.”

SECTION 3. Chapter 711, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§711- Cruelty to animals by trapping.** (1) A person commits the offense of cruelty to animals by trapping if the person intentionally, knowingly, or recklessly uses, sets, or maintains:

- (a) A steel-jawed leg-hold trap; or
- (b) A snare, conibear trap, or foot- or leg-hold trap in an area zoned as residential or any other area where such snare or trap is prohibited by law or rule; except under the situations described in subsection (2).

(2) Subsection (1)(b) shall not apply to employees of state or federal agencies, or persons acting as a designated cooperator or an agent of the State, who are carrying out activities required under a management plan approved by state or federal agencies, pursuant to a mandatory statutory duty for the protection of species listed as threatened or endangered species, or other wildlife species protected by law, or for the protection of public health, safety, or property.

(3) As used in this section:

“Conibear trap” means a contrivance consisting of metal or steel designed to kill by crushing the body or severing the spinal cord of any animal. “Conibear trap” shall not include snap traps used for rodent control.

“Foot- or leg-hold trap” means a contrivance consisting of metal or steel that is off-set, padded or laminated, and is designed to capture and hold any animal by a foot or limb.

“Snare” means a contrivance consisting of a noose, regardless of material, designed to capture, trap, or kill any animal or hold any animal by a foot, limb, or neck.

“Steel-jawed leg-hold trap” means a spring-powered contrivance that captures or holds the limb of an animal by exerting a lateral force with fix-mounted jaws.

(4) Cruelty to animals by trapping is a misdemeanor.”

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. New statutory material is underscored.<sup>1</sup>

SECTION 6. This Act shall take effect upon its approval.

(Approved June 26, 2013.)

**Note**

1. Edited pursuant to HRS §23G-16.5.