
A BILL FOR AN ACT

RELATING TO CRUELTY TO ANIMALS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 711, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:
4 "§711-A Forfeiture of animal prior to disposition of
5 criminal charges. (1) If any animal is impounded pursuant to
6 section 711-B and is being held by a duly incorporated humane
7 society or society for the prevention of cruelty to animals
8 pending outcome of criminal action charging a violation of
9 section 711-1109 or 711-1109.3, prior to final disposition of
10 the criminal charge, the duly incorporated humane society or
11 society for the prevention of cruelty to animals may file a
12 petition in the criminal action requesting that the court issue
13 an order forfeiting the animal to the county or duly
14 incorporated humane society or society for the prevention of
15 cruelty to animals prior to final disposition of the criminal
16 charge. The petitioner shall serve a true copy of the petition
17 upon the defendant and the prosecuting attorney.



1 (2) Upon receipt of a petition pursuant to subsection (1),
2 the court shall set a hearing on the petition. The hearing
3 shall be conducted within fourteen days after the filing of the
4 petition or as soon as practicable.

5 (3) At a hearing conducted pursuant to subsection (2), the
6 petitioner shall have the burden of establishing probable cause
7 to believe that the animal was subjected to a violation of
8 section 711-1109 or 711-1109.3. If the court finds that
9 probable cause exists, the court shall order immediate
10 forfeiture of the animal to the petitioner, unless the
11 defendant, within seventy-two hours of the hearing, posts a
12 security deposit or bond with the court clerk in an amount
13 determined by the court to be sufficient to repay all reasonable
14 costs incurred, and anticipated to be incurred, by the
15 petitioner in caring for the animal from the date of initial
16 impoundment to the date of trial. The court may waive for good
17 cause shown the requirement that the defendant post a security
18 deposit bond.

19 (4) If a security deposit or bond has been posted in
20 accordance with subsection (3), and the trial in the action is
21 continued by request of the defendant to a later date, any order
22 of continuance shall require the defendant to post an additional



1 security deposit or bond in an amount determined by the court to
2 be sufficient to repay all additional reasonable costs
3 anticipated to be incurred by the petitioner in caring for the
4 animal until the new date of trial.

5 (5) If a security deposit or bond has been posted in
6 accordance with subsection (4), the petitioner may draw from
7 that security deposit or bond the actual reasonable costs
8 incurred by the petitioner in caring for the impounded animal
9 from the date of initial impoundment to the date of final
10 disposition of the animal in the criminal action.

11 **§711-B Authority to enter premises; notice of impoundment**
12 **of animal; damage resulting from entry.** (1) If there is
13 probable cause to believe that any animal is being subjected to
14 treatment in violation of section 711-1109 or 711-1109.3, a law
15 enforcement officer, after obtaining a search warrant or in any
16 other manner authorized by law, may enter the premises where the
17 animal is located to provide the animal with food, water, and
18 emergency medical treatment and may impound the animal. If,
19 after reasonable effort, the owner or person having custody of
20 the animal cannot be found and notified of the impoundment, the
21 notice shall be conspicuously posted on the premises, and within
22 seventy-two hours after the impoundment, the notice shall be



1 sent by certified mail to the address, if any, where the animal
2 was impounded.

3 (2) A law enforcement officer is not liable for any
4 damages for an entry under subsection (1), unless the damages
5 were caused by the unnecessary actions of the law enforcement
6 officer that were intentional or reckless.

7 (3) A court may order an animal impounded under subsection
8 (1) to be held at a duly incorporated humane society or society
9 for the prevention of cruelty to animals. A facility receiving
10 the animal shall provide adequate food and water and may provide
11 veterinary care.

12 (4) For purposes of this section, "law enforcement
13 officer" shall have the same meaning as in section 710-1000."

14 SECTION 2. In codifying the new sections added by section
15 1 of this Act, the revisor of statutes shall substitute
16 appropriate section numbers for the letters used in designating
17 the new sections in this Act.

18 SECTION 3. New statutory material is underscored.

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

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[Handwritten signatures and text]
INTRODUCED BY: *[Signature]*
[Signatures: Kirk Caldwell, Mary...]
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Kirk Caldwell) *[Signature]*
Rider T. R. Cabanilla
Cindy Evans
[Signature]
JAN 25 2006 *[Signature]*

F. Oll
Bahi

Ali G. Arke
Jr. Rth. Karamato
Mele Carroll



Report Title:

Cruelty to Animals; Forfeiture; Bond for Care

Description:

Authorizes a court to forfeit an animal before trial on cruelty charges. Permits court to allow defendant to post bond in lieu of forfeiture for care of animal pending outcome of proceedings. Authorizes law enforcement officer to enter property to care for or impound animal subjected to cruelty. Provides qualified immunity for officer making entry to impound animal.

