
A BILL FOR AN ACT

RELATING TO ANIMAL CRUELTY.

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

1 SECTION 1. The legislature finds that violence, whether
2 against humans or animals, must not be tolerated in our
3 community. Evidence continues to mount regarding the link
4 between abuse of animals and violent acts committed against
5 humans. Every community should address the roots of this
6 problem by addressing the mistreatment and flawed attitudes
7 regarding animal abuse. By ridding our community of animal
8 abuse we will also help alleviate acts of violence against
9 people. Mahatma Gandhi said, "The greatness of a nation and its
10 moral progress can be judged by the way animals are treated".

11 The legislature further finds that Hawaii can take another
12 step closer to being safe and secure by making a clear statement
13 of how our community will seriously punish those who commit acts
14 of violence against animals. The purpose of this Act is to
15 revise Hawaii's animal cruelty laws to help protect animals and
16 make a clear statement that our community will not tolerate
17 violence of any kind.



1 SECTION 2. 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 Aggravated cruelty to animals. (1) A person
5 commits the offense of aggravated cruelty to animals if the
6 person:

7 (a) Intentionally or knowingly overdrives, overloads,
8 tortures, torments, beats, or starves any animal or
9 causes or procures the overdriving, overloading,
10 torture, torment, beating, or starving of any animal;

11 (b) Intentionally or knowingly mutilates, poisons, in any
12 manner causes or allows serious bodily injury to, or
13 kills without need any animal other than insects,
14 vermin, or other pests;

15 (c) Intentionally or knowingly carries or causes to be
16 carried on public property, in or upon any vehicle or
17 other conveyance, any animal in a cruel or inhumane
18 manner;

19 (d) Intentionally or knowingly encourages, aids, or
20 assists another in the commission of any act of
21 cruelty to any animal;



1 (e) Intentionally or knowingly deprives a pet animal of
2 necessary sustenance;

3 (f) Intentionally, knowingly, or recklessly kills or
4 injures an animal with intent to frighten or
5 intimidate, or in reckless disregard of the risk of
6 frightening or intimidating, another person or
7 intentionally forces another person to injure or kill
8 an animal; or

9 (g) Except for section 711-1109(c), commits an offense
10 under section 711-1109 or 711-1109.3 and has, within
11 two years preceding the offense, two or more
12 convictions for the same offense.

13 (2) Subsection (1)(a), (b), (c), (d), and (f), and
14 subsection (4) do not apply to accepted veterinary practices and
15 to activities carried on for scientific research governed by
16 standards of accepted educational or medicinal practices.

17 (3) Whenever any domestic animal is so severely injured
18 that there is no reasonable probability that its life or
19 usefulness can be saved, the animal may be immediately
20 euthanized without creating any liability under this section.



1 (4) Aggravated cruelty to animals is a class C felony.
2 Any person convicted and sentenced under this section shall also
3 be subject to the requirements of section 711-B.

4 (5) If there is any conflict between this section and
5 section 711-1109, 711-1109.3, or any other provision of law,
6 this section shall apply.

7 **§711-B Penalty.** In addition to any other sentence the
8 court may impose, the court shall order any person convicted of
9 violating section 711-1109, 711-1109.3, or 711-A to pay for and
10 successfully complete counseling, as determined by the court,
11 that is designed to evaluate and treat behavior or conduct
12 disorders. Any counseling imposed under this section shall be
13 in addition to any other terms and conditions imposed pursuant
14 to chapter 706."

15 SECTION 3. Section 571-14, Hawaii Revised Statutes, is
16 amended by amending subsection (c) to read as follows:

17 "(c) The court shall have concurrent jurisdiction with the
18 circuit court over violations of [~~section 711-1106.4~~] sections
19 711-1106.4 and 711-A(1)(f)."

20 SECTION 4. Section 603-21.5, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:



1 "(b) The several circuit courts shall have concurrent
2 jurisdiction with the family court over:

3 (1) Any felony under section 571-14, violation of an order
4 issued pursuant to chapter 586, or a violation of
5 section 709-906 when multiple offenses are charged
6 through complaint or indictment and at least one other
7 offense is a criminal offense under subsection (a)(1);

8 (2) Any felony under section 571-14 when multiple offenses
9 are charged through complaint or indictment and at
10 least one other offense is a violation of an order
11 issued pursuant to chapter 586, a violation of section
12 709-906, or a misdemeanor under the jurisdiction of
13 section 604-8;

14 (3) Any violation of [~~section 711-1106.4;~~] sections 711-
15 1106.4 and 711-A(1)(f); and

16 (4) Guardianships and related proceedings concerning
17 incapacitated adults pursuant to article V of chapter
18 560."

19 SECTION 5. Section 711-1109, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "**§711-1109 Cruelty to animals.** (1) [A] Except as
22 provided in sections 711-A and 711-1109.3, a person commits the

1 offense of cruelty to animals if the person [~~intentionally,~~
2 ~~knowingly, or~~] recklessly:

3 (a) Overdrives, overloads, tortures, torments, [~~eruelly~~]
4 beats, or starves any animal[~~7~~] or causes or procures
5 the overdriving, overloading, torture, torment,
6 [~~eruel~~] beating or starving of any animal[~~7~~ or
7 ~~deprives a pet animal of necessary sustenance or~~
8 ~~causes such deprivation~~];

9 (b) Mutilates, poisons, in any manner causes serious
10 bodily injury to, or kills without need any animal
11 other than insects, vermin, or other pests;

12 (c) Keeps, uses, or in any way is connected with or
13 interested in the management of, or receives money for
14 the admission of any person to, any place kept or used
15 for the purpose of fighting or baiting any bull, bear,
16 [~~dog~~] cock, or other animal, and every person who
17 encourages, aids, or assists therein, or who permits
18 or suffers any place to be so kept or used;

19 (d) Carries or causes to be carried, in or upon any
20 vehicle or other conveyance, any animal in a cruel or
21 inhumane manner[~~7~~ or], including, but not limited to,
22 transporting in the back of a pickup truck any animal



1 not properly restrained in a secured carrier or cross-
2 tied in the truck bed to prevent the animal from being
3 tossed around or thrown from the truck;

4 (e) Assists another in the commission of any act of
5 cruelty to any animal~~[+]~~; or

6 (f) Deprives a pet animal of necessary sustenance.

7 (2) Subsection (1)(a), (b), (d), (e) and ~~[the following]~~
8 subsection (3) are not applicable to accepted veterinary
9 practices and to activities carried on for scientific research
10 governed by standards of accepted educational or medicinal
11 practices.

12 (3) Whenever any domestic animal is so severely injured
13 that there is no reasonable probability that its life or
14 usefulness can be saved, the animal may be immediately
15 ~~[destroyed.]~~ euthanized without creating any liability under
16 this section.

17 (4) Cruelty to animals is a misdemeanor~~[+]~~ and shall be
18 subject to section 711-B."

19 SECTION 6. Section 711-1109.3, Hawaii Revised Statutes, is
20 amended as follows:

21 1. By amending subsection (1) to read:

1 "(1) A person commits the offense of cruelty to animals if
2 the person:

3 (a) Owns or trains any dog with the intent that ~~[such]~~ the
4 dog shall be engaged in an exhibition of fighting with
5 another dog;

6 (b) ~~[For amusement or gain, intentionally]~~ Intentionally
7 causes any dog to fight with another dog~~[7]~~ or causes
8 any dog to injure another dog; or

9 (c) Knowingly or recklessly permits any act in violation
10 of paragraph (a) or (b) to be done on ~~the~~ premises
11 that are under the person's charge or control, or aids
12 or abets any such act."

13 2. By amending subsections (3) and (4) to read:

14 "(3) Violation of this section shall be a class C felony.
15 Any person convicted and sentenced under this section shall also
16 be subject to the requirements of section 711-B.

17 (4) If there is any conflict between this section and
18 section 711-1109, ~~[or any other provision of law,]~~ this section
19 shall apply."

20 SECTION 7. In codifying the new sections added by section
21 2 of this Act, the revisor of statutes shall substitute

1 appropriate section numbers for the letters used in designating
2 the new sections in this Act.

3 SECTION 8. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun, before its effective date.

6 SECTION 9. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 10. This Act shall take effect upon its approval.
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H.B. NO. 3240

Report Title:

Crimes; Animal Cruelty

Description:

Creates the class C felony offense of aggravated cruelty to animals. Requires offenders to undergo treatment for behavior or conduct disorders.

