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# A BILL FOR AN ACT

RELATING TO CRUELTY TO ANIMALS.

**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. The legislature further finds that evidence suggests  
4 that there is a link between animal abuse and the commission of  
5 violent acts against humans, including domestic violence, child  
6 abuse, and elder abuse. Mahatma Gandhi once said, "the  
7 greatness of a nation and its moral progress can be judged by  
8 the way animals are treated." In order to properly address the  
9 growing problem of violence in our society, we must first  
10 examine our attitudes regarding the mistreatment of animals. By  
11 ridding our community of animal abuse we will not only provide a  
12 safe environment for pets and other animals, but also help to  
13 eliminate acts of violence against people. The legislature  
14 believes that, by establishing that our community will not  
15 tolerate those who commit acts of violence against animals,  
16 Hawaii will become a safer and more secure place for animals and  
17 humans alike.



1           The purpose of this Act is to create a new offense of  
2 aggravated cruelty to animals and to provide appropriate  
3 penalties.

4           SECTION 2. Chapter 711, Hawaii Revised Statutes, is  
5 amended by adding two new sections to be appropriately  
6 designated and to read as follows:

7           "§711-A Aggravated cruelty to animals. (1) A person  
8 commits the offense of aggravated cruelty to animals if the  
9 person:

10           (a) Intentionally or knowingly:

11           (i) Overdrives, overloads, tortures, torments, beats,  
12           or starves any animal, or causes or procures the  
13           overdriving, overloading, torture, torment,  
14           beating, or starving of any animal;

15           (ii) Mutilates, poisons, causes or allows serious  
16           bodily injury, or kills without need any animal  
17           other than insects, vermin, or other pests;

18           (iii) Carries or causes to be carried on public  
19           property or in or upon any vehicle or other  
20           conveyance any animal in a cruel or inhumane  
21           manner;



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1           (iv) Assists another in the commission of any act of  
2                               cruelty to any animal;

3           (v) Forces another person to injure or kill an  
4                               animal; or

5           (vi) Deprives a pet animal of necessary sustenance;

6       (b) Recklessly kills or injures an animal with the intent  
7           to frighten or intimidate, or in reckless disregard of  
8           the risk of frightening or intimidating, another  
9           person; or

10       (c) Commits an offense under section 711-1109 or  
11           711-1109.3, except under section 711-1109(c), and has,  
12           within two years, two or more convictions for the same  
13           offense.

14       (2) Subsections (1)(a)(i) through (a)(v), (1)(b), and (3)  
15       shall not apply to accepted veterinary practices and to  
16       activities carried on for scientific research governed by  
17       standards of accepted educational or medicinal practices.

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

1        (4) If there is any conflict between this section and  
2 sections 711-1109 and 711-1109.3, this section shall apply.

3        (5) Aggravated cruelty to animals is a class C felony.  
4 Any person convicted of committing the offense of aggravated  
5 cruelty to animals shall be subject to section 711-B.

6        **§711-B Penalty.** In addition to any other sentence the  
7 court may impose pursuant to chapter 706, any person convicted  
8 of violating section 711-A, 711-1109, or 711-1109.3 shall be  
9 ordered to attend counseling that is designed to evaluate and  
10 treat behavior or conduct disorders. Any person convicted of  
11 violating section 711-1109, 711-1109.3, or 711-A shall be  
12 responsible for payment for counseling imposed under this  
13 section."

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

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

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

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

- 1 (1) Any felony under section 571-14, violation of an order
- 2 issued pursuant to chapter 586, or a violation of
- 3 section 709-906 when multiple offenses are charged
- 4 through complaint or indictment and at least one other
- 5 offense is a criminal offense under subsection (a)(1);
- 6 (2) Any felony under section 571-14 when multiple offenses
- 7 are charged through complaint or indictment and at
- 8 least one other offense is a violation of an order
- 9 issued pursuant to chapter 586, a violation of section
- 10 709-906, or a misdemeanor under the jurisdiction of
- 11 section 604-8;
- 12 (3) Any violation of [~~section 711-1106.4;~~] sections
- 13 711-1106.4 and 711-A(1)(a)(v) and(1)(b); and
- 14 (4) Guardianships and related proceedings concerning
- 15 incapacitated adults pursuant to article V of chapter
- 16 560."

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

19 "**§711-1109 Cruelty to animals.** (1) [A] Except as  
 20 provided in sections 711-A and 711-1109.3, a person commits the  
 21 offense of cruelty to animals if the person [~~intentionally,~~  
 22 ~~knowingly, or~~] recklessly:

- 1 (a) Overdrives, overloads, tortures, torments, [~~eruelly~~]  
2 beats or starves any animal, or causes or procures the  
3 overdriving, overloading, torture, torment, [~~eruel~~]  
4 beating or starving of any animal, [~~or deprives a pet~~  
5 ~~animal of necessary sustenance or causes such~~  
6 ~~deprivation~~];
- 7 (b) Mutilates, poisons, causes serious bodily injury, or  
8 kills without need any animal other than insects,  
9 vermin, or other pests;
- 10 (c) Keeps, uses, or in any way is connected with or  
11 interested in the management of, or receives money for  
12 the admission of any person to, any place kept or used  
13 for the purpose of fighting or baiting any bull, bear,  
14 [~~dog,~~] cock, or other animal, and every person who  
15 encourages, aids, or assists therein, or who permits  
16 or suffers any place to be so kept or used;
- 17 (d) Carries or causes to be carried, in or upon any  
18 vehicle or other conveyance, any animal in a cruel or  
19 inhumane manner[~~or~~], including, but not limited to,  
20 transporting in the back of a pickup truck any animal  
21 not properly restrained in a secured carrier or



1 cross-tied in the truck bed to prevent the animal from  
2 being tossed around or thrown from the truck;

3 (e) Assists another in the commission of any act of  
4 cruelty to any animal[-]; or

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

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

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

16 (4) Cruelty to animals is a misdemeanor. Any person  
17 convicted of committing the offense of cruelty to animals shall  
18 be subject to section 711-B."

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

21 "**§711-1109.3 Cruelty to animals; fighting dogs.** (1) A  
22 person commits the offense of cruelty to animals if the person:



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

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

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

11 (2) Nothing in this section shall prohibit any of the  
12 following:

13 (a) The use of dogs in the management of livestock by the  
14 owner of the livestock or the owner's employees or  
15 agents or other persons in lawful custody thereof;

16 (b) The use of dogs in hunting wildlife including game; or

17 (c) The training of dogs or the use of equipment in the  
18 training of dogs for any purpose not prohibited by  
19 law.

20 (3) Violation of this section shall be a class C felony.

21 Any person convicted of violating this section shall be subject  
22 to section 711-B.



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1 (4) If there is any conflict between this section and  
2 section 711-109, [~~or any other provision of law,~~] this section  
3 shall apply."

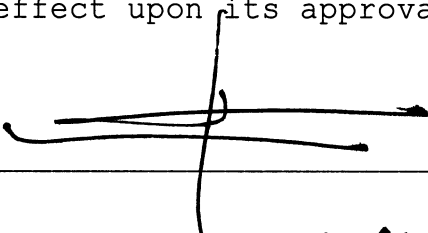
4 SECTION 7. In codifying the new sections added by section  
5 2 of this Act, the revisor of statutes shall substitute  
6 appropriate section numbers for the letters used in designating  
7 the new sections in this Act.

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

11 SECTION 9. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 10. This Act shall take effect upon its approval.  
14

INTRODUCED BY: \_\_\_\_\_

  
*Chuck W. Fishburn*  
*Sen. Karas*  
*Amiel J. J.*

**Report Title:**

Aggravated Cruelty to Animals

SB 2576

**Description:**

Creates a new offense of aggravated cruelty to animals; provides penalties.

