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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 pet 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 pet animals. (1) A person  
8 commits the offense of aggravated cruelty to pet animals if the  
9 person:

10           (a) Intentionally or knowingly:

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

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

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

- 1           (iv) Assists another in the commission of any act of
- 2                   cruelty to any pet animal;
- 3           (v) Forces another person to injure or kill a pet
- 4                   animal; or
- 5           (vi) Deprives a pet animal of necessary sustenance;
- 6           (b) Recklessly kills or injures a pet animal with the
- 7                   intent to frighten or intimidate, or in reckless
- 8                   disregard of the risk of frightening or intimidating,
- 9                   another person; or
- 10          (c) Commits an offense under sections 711-1109(1) (a),
- 11                   (1) (b), (1) (d), or (1) (e), or 711-1109.3, and has,
- 12                   within two years, two or more convictions of this
- 13                   section, or sections 711-1109(1) (a), (1) (b), (1) (d),
- 14                   or (1) (e), or 711-1109.3.
- 15          (2) Subsections (1) (a) (i) through (a) (v), (1) (b), and (3)
- 16                   shall not apply to accepted veterinary practices and to
- 17                   activities carried on for scientific research governed by
- 18                   standards of accepted educational or medicinal practices.
- 19          (3) Whenever any pet animal is so severely injured that
- 20                   there is no reasonable probability that its life or usefulness
- 21                   can be saved, the pet animal may be immediately euthanized
- 22                   without creating any liability under this section.

1       (4) For the purposes of this section "pet animal" shall  
2 mean a dog; cat; rabbit, so long as not bred for consumption;  
3 guinea pig; domestic rat or mouse, or caged bird (passeriformes,  
4 piciformes, and psittaciformes only).

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

8       **§711-B Penalty.** In addition to any other sentence the  
9 court may impose pursuant to chapter 706, any person convicted  
10 of violating section 711-1109(1)(a), (1)(b), (1)(d), or (1)(e),  
11 711-1109.3, or 711-A shall be ordered to attend counseling that  
12 is designed to evaluate and treat behavior or conduct disorders.  
13 Any person convicted of violating section 711-1109(1)(a),  
14 (1)(b), (1)(d), or (1)(e), 711-1109.3, or 711-A shall be  
15 responsible for payment for counseling imposed under this  
16 section."

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

19       "(c) The court shall have concurrent jurisdiction with the  
20 circuit court over violations of [~~section 711-1106.4.~~] sections  
21 711-1106.4 and 711-A(1)(a)(v) and (1)(b)."



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

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

- 5 (1) Any felony under section 571-14, violation of an order  
6 issued pursuant to chapter 586, or a violation of  
7 section 709-906 when multiple offenses are charged  
8 through complaint or indictment and at least one other  
9 offense is a criminal offense under subsection (a)(1);
- 10 (2) Any felony under section 571-14 when multiple offenses  
11 are charged through complaint or indictment and at  
12 least one other offense is a violation of an order  
13 issued pursuant to chapter 586, a violation of section  
14 709-906, or a misdemeanor under the jurisdiction of  
15 section 604-8;
- 16 (3) Any violation of [~~section 711-1106.4;~~] sections  
17 711-1106.4 and 711-A(1)(a)(v) and(1)(b); and
- 18 (4) Guardianships and related proceedings concerning  
19 incapacitated adults pursuant to article V of chapter  
20 560."

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



1           "**§711-1109 Cruelty to animals.** (1) A person commits the  
2 offense of cruelty to animals if the person [~~intentionally,~~  
3 ~~knowingly, or~~] recklessly:

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

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

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

20          (d) Carries or causes to be carried, in or upon any  
21 vehicle or other conveyance, any animal in a cruel or  
22 inhumane manner[~~;~~], including, but not limited to,



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

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

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

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

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

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

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



1           **"§711-1109.3 Cruelty to animals; fighting dogs.** (1) A  
2 person commits the offense of cruelty to animals if 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, 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) Nothing in this section shall prohibit any of the  
14 following:

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

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

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



1 (3) Violation of this section shall be a class C felony.  
2 Any person convicted of violating this section shall be subject  
3 to section 711-B.

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

7 SECTION 7. In codifying the new sections added by section  
8 2 of this Act, the revisor of statutes shall substitute  
9 appropriate section numbers for the letters used in designating  
10 the new sections in this Act.

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

14 SECTION 9. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 10. This Act shall take effect upon its approval.

**Report Title:**

Aggravated Cruelty to Animals

**Description:**

Creates a new offense of aggravated cruelty to pet animals;  
provides penalties. (SD1)

