

Honolulu, Hawaii

MAR 2 - 2006

RE: S.B. No. 2576  
S.D. 1

Honorable Robert Bunda  
President of the Senate  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred S.B. No. 2576 entitled:

"A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS,"

begs leave to report as follows:

The purpose of this measure is to create the offense of aggravated cruelty to animals and provide penalties.

Your Committee received testimony in support of the measure from the City and County of Honolulu Prosecuting Attorney, the Kauai Humane Society, the Maui Humane Society, the Hawaiian Humane Society, Cat-Care, and twenty-three individuals. The Office of the Public Defender submitted testimony in opposition to this measure. The Hawaii Pest Control Association submitted comments.

Your Committee finds that violence against animals cannot be tolerated in our community. This new class C felony involves serious misconduct that is either intentional and knowing, recklessly done with the intent to frighten or intimidate, or a repeat offense. It also provides that, as part of the sentence for cruelty offenses, the defendant be ordered to pay for and successfully complete counseling. Testimony was submitted to your Committee from the Hawaiian Humane Society outlining the link between cruelty to animals and domestic violence. By creating a class C offense for those who are intentionally or knowingly cruel to animals, the legislature hopes to make Hawaii a safer and more secure place for both animals and humans alike.

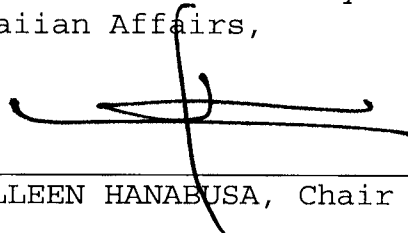


Your Committee has amended this measure to:

- (1) Limit the offense of aggravated cruelty to pet animals, which are defined as a dog, cat, rabbit (so long as not for consumption), a domestic rat or mouse, or a caged bird. Caged birds refer to:
  - (a) Passeriformes, which are perching birds characterized by a beak with no silk, tarsi covered with small scales and feet having three toes in front as opposed to one well-developed toe behind;
  - (b) Piciformes, which are barbet, woodpeckers, and honeyguides; and
  - (c) Psittaciformes, which are cockatiels, cockatoos, keas, lorries, lovebirds and macaws; and
- (2) Remove any reference to cockfighting or section 711-1109(1)(c);
- (3) Incorporate the amendments recommended by the City and County of Honolulu Prosecutor relating to the types of offenses that constitute a repeat offense; and
- (4) Makes technical, nonsubstantive changes.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2576, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2576, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Hawaiian Affairs,



COLLEEN HANABUSA, Chair



