

Honolulu, Hawaii

, 2006

APR 25

RE: S.B. No. 2924
S.D. 1
H.D. 1
C.D. 1

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

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2924, S.D. 1, H.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to give law enforcement officers authority to enter premises and impound a pet animal when there is probable cause to believe the pet animal is being subjected to cruel treatment. This measure also allows a court to order a forfeiture of an impounded pet animal prior to and during a criminal action against its owner.

During a recent animal cruelty case, the Hawaiian Humane Society incurred costs of approximately \$269,000 to board, care for, and feed approximately sixty-nine dogs while the case was pending. The Hawaiian Humane Society was never compensated for the care



provided to these animals even after the owner was allowed to sell the animals.

The purpose of the forfeiture is to pay for the care of the animals, not to punish the owner. This measure will provide a way to implement the legal principle that, despite the impoundment, the obligation to provide adequate care for the pet animal remains with the owner.

This measure is modeled after section 167.347 of the Oregon Revised Statutes, the constitutionality of which has been upheld by the Oregon courts. See *State of Oregon v. Branstetter*, 45 P.3d 137 (Or. App. 2002).

Your Committee on Conference has amended this measure to make technical, nonsubstantive changes.

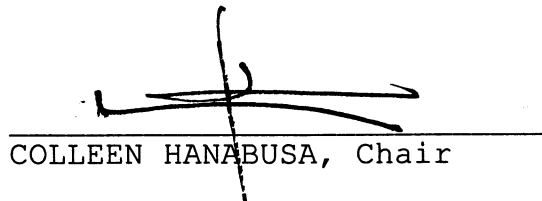
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2924, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2924, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE


SYLVIA LUKE, Chair

ON THE PART OF THE SENATE


COLLEEN HANABUSA, Chair



Hawaii State Legislature

**Record of Votes of a
Conference Committee**

Bill / Concurrent Resolution No.: SB 2924, SD 1, HD 1	Date/Time: 4/20/06 2pm
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
HANABUSA, Colleen, Chr.	✓				LUKE, Sylvia, Chr.	✓			
CHUN OAKLAND, Suzanne	✓				SONSON, Alex M.	✓			
WHALEN, Paul	✓				MARUMOTO, Barbara C.	✓			
TOTAL	3				TOTAL	3			

A = Aye
WR = Aye with Reservations
N = Nay
E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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Distribution:
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