

STAND. COM. REP. NO. 1805

Honolulu, Hawaii  
A-205, 2007

RE: S.B. No. 1665  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1665 entitled:

"A BILL FOR AN ACT RELATING TO ANIMALS,"

begs leave to report as follows:

The purpose of this bill is to establish a new offense of aggravated cruelty to pet animals.

The Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, Hawaiian Humane Society, Domestic Violence Clearinghouse, K-9, Animal Rescue League, Humane Society of the United States, Hawaii Dog Foundation, Lo'ihi Communications, and numerous concerned individuals supported this bill. The Office of the Public Defender, Animal CARE Foundation, and numerous concerned individuals opposed this measure. The Judiciary and Hawaii Pest Control Association submitted comments.

Your Committee finds that violence, whether against humans or animals, must not be tolerated in our community. Evidence suggests that there is a link between animal abuse and the commission of violent acts against humans. This bill will create a new class C felony for cruelty to animals. In addition to the class C penalty, any person convicted shall be ordered to attend counseling.



Your Committee understands that it may be appropriate to include a definition of the term "mutilate." Your Committee also takes note of concerns that certain cropping practices by farmers may be inadvertently prohibited by this measure.

Your Committee has amended this measure by, among other things:

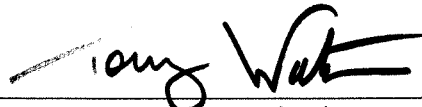
- (1) Deleting the provisions establishing the felony offense of aggravated cruelty to pet animals;
- (2) Establishing a class C felony offense of cruelty to animals in the first degree for intentionally or knowingly torturing or mutilating, or causing the torture or mutilation, of any pet animal;
- (3) Renaming the existing misdemeanor offense of cruelty to animals to cruelty to animals in the second degree and clarifying this offense by, among other things:
  - (A) Reinserting the intentional and knowing states of mind into this offense;
  - (B) Deleting the provision specifying that transporting an animal in the back of a pick-up truck without appropriate restraint is an action that constitutes cruelty to animals; and
  - (C) Clarifying that certain actions that constitute the offense shall not apply to certain pest control operations conducted by a licensed pest control operator pursuant to a written contract;
- (4) Redefining "pet animal" in Chapter 711, Hawaii Revised Statutes (HRS), to mean a domesticated animal kept for personal enjoyment and companionship, legal sporting activities, guarding property, and for guide, signal, or service purposes; provided that poultry, game fish, and other aquatic life in captivity shall not be considered pet animals;
- (5) Redefining "poultry" in Chapter 163, HRS, to mean any domesticated bird belonging to the orders galiformes and anseriformes, and including chicken, duck, goose, and turkey;



- (6) Redefining "torment";
- (7) Changing its effective date to January 1, 2112, to encourage further discussion; and
- (8) Making technical, nonsubstantive amendments for style, clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1665, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1665, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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TOMMY WATERS, Chair



State of Hawaii  
House of Representatives  
The Twenty-fourth Legislature

HSCR 1805

**Record of Votes of the Committee on Judiciary**

<b>Bill/Resolution No.:</b> SB 1665 (SSCR 426)		<b>Date:</b> 4/3/2007		
<b>Committee Referral:</b> JUD		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Pass, with amendments, for recommittal for further consideration				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)	✓			
2. OSHIRO, Blake K. (VC)	✓			
3. CALDWELL, Kirk	✓			
4. EVANS, Cindy		✓		
5. GREEN, Josh, M.D.		✓		
6. ITO, Ken	✓			
7. LUKE, Sylvia	✓			
8. McKELVEY, Angus L.K.	✓			
9. MORITA, Hermina M.	✓			
10. SONSON, Alex M.		✓		
11. SOUKI, Joseph M.		✓		
12. TSUJI, Clift	✓			
13. YAMANE, Ryan I.	✓			
14. YAMASHITA, Kyle T.	✓			
15. MARUMOTO, Barbara C.	✓			
16. PINE, Kymberly Marcos				✓
17. THIELEN, Cynthia	✓			
<b>TOTAL</b>	12	4		1
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. committee acronym(s)				
<b>Vice Chair's or designee's signature:</b> 				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – HMSO    Duplicate (Pink) – Clerk's Office				