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## A BILL FOR AN ACT

RELATING TO PUBLIC HEALTH AND SAFETY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 183D-6, Hawaii Revised Statutes, is  
2 amended by amending subsections (a) and (b) to read as follows:

3           "(a) Notwithstanding the provisions of any other law, the  
4 department may take wildlife for scientific, educational, or  
5 propagation purposes, except as prohibited by chapter 195D[-]  
6 and section 711-1109(1)(e).

7           (b) Notwithstanding the provisions of any other law, the  
8 department may issue permits to any person to take wildlife in  
9 any part of the State, for scientific, educational, or  
10 propagation purposes, except as prohibited by chapter 195D,  
11 section 711-1109(1)(e), and subject to the rules adopted by the  
12 department. The department may revoke any permit for any  
13 infraction of the terms and conditions of the permit. Any  
14 person whose permit has been revoked shall not be eligible to  
15 apply for another permit until the expiration of one year from  
16 the date of revocation."

17           SECTION 2. Section 711-1109, Hawaii Revised Statutes, is  
18 amended to read as follows:



1           "§711-1109   Cruelty to animals in the second degree.   (1)

2   A person commits the offense of cruelty to animals in the second  
3   degree if the person intentionally, knowingly, or recklessly:

4           (a)   Overdrives, overloads, tortures, torments, beats,  
5                causes substantial bodily injury, or starves any  
6                animal, or causes the overdriving, overloading,  
7                torture, torment, beating, or starving of any animal,  
8                or deprives a pet animal of necessary sustenance or  
9                causes such deprivation;

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

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

19          (d)   Carries or causes to be carried, in or upon any  
20                vehicle or other conveyance, any animal in a cruel or  
21                inhumane manner; [~~or~~]



1        (e) Uses, sets, places, maintains, tends, or causes to be  
2        used, set, placed, maintained, or tended any body-  
3        gripping trap notwithstanding section 183D-6; or

4        [~~(e)~~] (f) Assists another in the commission of any act  
5        specified in subsections (1)(a) through (1)(d).

6        (2) [~~Subsection~~] Subsections (1)(a), (b), (d), and [~~(e)~~]  
7        (f), shall not apply to:

8        (a) Accepted veterinary practices;

9        (b) Activities carried on for scientific research governed  
10       by standards of accepted educational or medicinal  
11       practices; or

12       (c) Pest control operations conducted pursuant to chapter  
13       149A by a pest control operator licensed pursuant to  
14       chapter 460J, if the pest control is performed under a  
15       written contract.

16       (3) Subsection (1)(e) shall not apply to:

17       (a) Federal, state, or county, departments of health when  
18       protecting human health and safety;

19       (b) The use of traps for rodent control for the purpose of  
20       controlling wild or domestic rodents; or



1        (c) The use of traps approved by the department of land  
2                    and natural resources for the purpose of controlling  
3                    feral pigs.

4        (4) For purposes of this section, the term "body-gripping  
5 trap" includes, but is not limited to steel-jawed leghold traps,  
6 padded jaw leghold traps, conibear traps, and snares, the last  
7 of which are commonly referred to as cable restraints.

8        [~~3~~] (5) Whenever any animal is so severely injured that  
9 there is no reasonable probability that its life or usefulness  
10 can be saved, the animal may be immediately destroyed without  
11 creating any offense under this section.

12        [~~4~~] (6) Cruelty to animals in the second degree is a  
13 misdemeanor."

14        SECTION 3. This Act does not affect rights and duties that  
15 matured, penalties that were incurred, and proceedings that were  
16 begun, before its effective date.

17        SECTION 4. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19        SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

*John M. Pignone*  
JAN 14 2008



**Report Title:**

Public Health and Safety

**Description:**

Makes unlawful the use, setting, maintenance, or tending of any body-gripping animal trap except when used by the government to protect human health and safety, for rodent control, or using traps approved by the Department of Land and Natural Resources for feral pig control.

