

JAN 24 2007

A BILL FOR AN ACT

RELATING 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 pet animals, but also help to eliminate
13 acts of violence against people. The legislature believes that,
14 by establishing that our community will not tolerate those who
15 commit acts of violence against animals, Hawaii will become a
16 safer and more secure place for animals and 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; or

6 (b) Recklessly kills or injures a pet animal with the
7 intent to frighten or intimidate another person, or in
8 reckless disregard of the risk of frightening or
9 intimidating another person.

10 (2) Subsections (1)(a)(i) through (a)(v), (1)(b), and (3)
11 shall not apply to accepted veterinary practices and to
12 activities carried on for scientific research governed by
13 standards of accepted educational or medicinal practices.

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

18 (4) For the purposes of this section, "pet animal" means a
19 dog, cat, rabbit, so long as not bred for consumption, guinea
20 pig, domestic rat or mouse, or caged bird (passeriformes,
21 piciformes, and psittaciformes only).



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

4 **§711-B Penalty.** In addition to any other penalty the
5 court imposes pursuant to chapter 706, any person convicted of
6 violating section 711-1109(1) (a), (1) (b), (1) (d), or (1) (e),
7 711-1109.3, or 711-A shall be ordered to attend counseling that
8 is designed to evaluate and treat behavior or conduct disorders
9 and shall be responsible for payment for counseling imposed
10 under this section."

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

13 "(c) The court shall have concurrent jurisdiction with the
14 circuit court over violations of [~~section~~] sections
15 711-1106.4[+] and 711-A(1) (a) (v) and (1) (b)."

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

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

20 (1) Any felony under section 571-14, violation of an order
21 issued pursuant to chapter 586, or a violation of
22 section 709-906 when multiple offenses are charged



1 through complaint or indictment and at least one other
2 offense is a criminal offense under subsection (a)(1);

3 (2) Any felony under section 571-14 when multiple offenses
4 are charged through complaint or indictment and at
5 least one other offense is a violation of an order
6 issued pursuant to chapter 586, a violation of section
7 709-906, or a misdemeanor under the jurisdiction of
8 section 604-8;

9 (3) Any violation of section 711-1106.4[+] or
10 711-A(1)(a)(v) and(1)(b); and

11 (4) Guardianships and related proceedings concerning
12 incapacitated adults pursuant to article V of chapter
13 560."

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

16 "**§711-1109 Cruelty to animals.** (1) A person commits the
17 offense of cruelty to animals if the person [~~intentionally,~~
18 ~~knowingly, or~~] recklessly:

19 (a) Overdrives, overloads, tortures, torments, [~~cruelly~~]
20 beats or starves any animal, or causes or procures the
21 overdriving, overloading, torture, torment, [~~cruel~~] or
22 beating or starving of any animal[, ~~or deprives a pet~~



- 1 ~~animal of necessary sustenance or causes such~~
2 ~~deprivation];~~
- 3 (b) Mutilates, poisons, seriously injures, or kills
4 without need any animal other than insects, vermin, or
5 other pests;
- 6 (c) Keeps, uses, or in any way is connected with or
7 interested in the management of, or receives money for
8 the admission of any person to, any place kept or used
9 for the purpose of fighting or baiting any bull, bear,
10 ~~dog,~~ cock, or other animal, and every person who
11 encourages, aids, or assists therein, or who permits
12 or suffers any place to be so kept or used;
- 13 (d) Carries or causes to be carried, in or upon any
14 vehicle or other conveyance, any animal in a cruel or
15 inhumane manner~~[+or]~~, including endangering an animal
16 by transporting the animal in the back of a pickup
17 truck not properly restrained in a secured carrier or
18 cross-tied in the truck bed to prevent the animal from
19 being tossed around or thrown from the truck;
- 20 (e) Assists another in the commission of any act of
21 cruelty to any animal~~[+]~~; or
- 22 (f) Deprives a pet animal of necessary sustenance.



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

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

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

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

16 "**§711-1109.3 Cruelty to animals; fighting dogs.** (1) A
17 person commits the offense of cruelty to animals if the person:

18 (a) Owns or trains any dog with the intent that [~~such~~] the
19 dog shall be engaged in an exhibition of fighting with
20 another dog;



1 (b) [~~For amusement or gain, intentionally~~] Intentionally
2 causes any dog to fight with another dog, or causes
3 any dog to injure another dog; or

4 (c) Knowingly or recklessly permits any act in violation
5 of paragraph (a) or (b) to be done on [~~the~~] premises
6 that are under the person's charge or control, or aids
7 or abets any such act,

8 (2) Nothing in this section shall prohibit any of the
9 following:

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

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

14 (c) The training of dogs or the use of equipment in the
15 training of dogs for any purpose not prohibited by
16 law.

17 (3) Violation of this section shall be a class C felony.

18 Any person convicted of violating this section shall be subject
19 to section 711-B.

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



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

5 SECTION 8. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun, before its effective date.

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

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

11

INTRODUCED BY:

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Report Title:

Aggravated Cruelty to Animals

Description:

Creates a new offense of aggravated cruelty to pet animals.
Provides penalties.

