
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." To properly address the growing
9 problem of violence in our society, we must first examine our
10 attitudes regarding the mistreatment of animals. By ridding our
11 community of animal abuse we will not only provide a safe
12 environment for pet animals, but also help to eliminate acts of
13 violence against people. The legislature believes that, by
14 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.

17 The purpose of this Act is to strengthen Hawaii's animal
18 cruelty laws.



1 SECTION 2. Chapter 711, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§711-A Penalty. In addition to any other penalty the
5 court imposes pursuant to chapter 706, any person convicted of
6 violating section 711-B(1), 711-1109(1)(a), (b), (d), and (e), or
7 711-1109.3 shall be ordered to attend appropriate counseling.
8 Any person subject to penalty under this section shall pay for
9 counseling unless the court determines that the person is unable
10 to pay for counseling.

11 §711-B Cruelty to animals in the first degree. (1) A
12 person commits the offense of cruelty to animals in the first
13 degree if the person intentionally or knowingly tortures or
14 mutilates, or causes the torture or mutilation of any pet
15 animal.

16 (2) Cruelty to animals in the first degree is a class C
17 felony.

18 (3) A person convicted of committing the offense of
19 cruelty to animals in the first degree shall be subject to
20 section 711-A."



1 SECTION 3. Section 161-3, Hawaii Revised Statutes, is
2 amended by amending the definition of "poultry" to read as
3 follows:

4 "Poultry" means [~~any domesticated bird, whether live or~~
5 ~~dead.~~] any domesticated bird belonging to the orders galliformes
6 and anseriformes, and including chicken, duck, goose, and
7 turkey."

8 SECTION 4. Section 711-1100, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§711-1100 Definitions.** In this chapter, unless a
11 different meaning is plainly required, or the definition is
12 otherwise limited by this section:

13 "Animal" includes every living creature, except a human
14 being.

15 [~~"Cruelty", "torture" or "torment" includes every act,~~
16 ~~omission, or neglect whereby unjustifiable physical pain,~~
17 ~~suffering, or death is caused or permitted.~~]

18 "Facsimile" means a document produced by a receiver of
19 signals transmitted over telecommunication lines, after
20 translating the signals, to produce a duplicate of an original
21 document.



1 "Necessary sustenance" means care sufficient to preserve
2 the health and well-being of a pet animal, except for
3 emergencies or circumstances beyond the reasonable control of
4 the owner or caretaker of the pet animal, and includes but is
5 not limited to the following requirements:

- 6 (1) Food of sufficient quantity and quality to allow for
7 normal growth or maintenance of body weight;
- 8 (2) Open or adequate access to water in sufficient
9 quantity and quality to satisfy the animal's needs;
- 10 (3) Access to protection from wind, rain, or sun; and
- 11 (4) An area of confinement that has adequate space
12 necessary for the health of the animal and is kept
13 reasonably clean and free from excess waste or other
14 contaminants that could affect the animal's health.

15 "Obstructs" means renders impassable without unreasonable
16 inconvenience or hazard.

17 "Pet animal" means a [~~dog, cat, rabbit, guinea pig,~~
18 ~~domestic rat or mouse, or caged birds (passeriformes,~~
19 ~~piciformes, and psittaciformes only).~~] domesticated animal kept
20 for personal enjoyment and companionship, such as for a hobby,
21 for legal sporting activities, for guarding property, and for
22 guide, signal, or service purposes so long as it is not bred for



1 consumption. Poultry as defined by section 161-3 shall not be
2 considered a pet animal. Game fish and other aquatic life not
3 in a state of captivity shall not be considered pet animals.

4 "Private place" means a place where one may reasonably
5 expect to be safe from casual or hostile intrusion or
6 surveillance, but does not include a place to which the public
7 or a substantial group thereof has access.

8 "Public" means affecting or likely to affect a substantial
9 number of persons.

10 "Public place" means a place to which the public or a
11 substantial group of persons has access and includes highways,
12 transportation facilities, schools, places of amusement or
13 business, parks, playgrounds, prisons, and hallways, lobbies,
14 and other portions of apartment houses and hotels not
15 constituting rooms or apartments designed for actual residence.

16 "Record", for the purposes of sections 711-1110.9 and 711-
17 1111, means to videotape, film, photograph, or archive
18 electronically or digitally.

19 "Torment" means to fail to attempt to mitigate significant
20 suffering.



1 "Torture" includes every act, omission, or neglect whereby
2 unjustifiable physical pain, suffering, or death is caused or
3 permitted."

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

6 "**§711-1109 Cruelty to animals**~~[-]~~ **in the second degree.**

7 (1) A person commits the offense of cruelty to animals in
8 the second degree if the person intentionally, knowingly, or
9 recklessly:

10 (a) Overdrives, overloads, ~~[tortures,]~~ torments, ~~[cruelly]~~
11 beats, causes or allows serious bodily injury, or
12 starves any animal, or causes ~~[or procures]~~ the
13 overdriving, overloading, ~~[torture,]~~ torment, ~~[cruel]~~
14 beating, or starving of any animal~~[, or deprives a pet~~
15 ~~animal of necessary sustenance or causes such~~
16 ~~deprivation];~~

17 (b) ~~[Mutilates, poisons,]~~ Poisons or kills without need
18 any animal other than insects, vermin, or other pests;

19 (c) Keeps, uses, or in any way is connected with or
20 interested in the management of, or receives money for
21 the admission of any person to, any place kept or used
22 for the purpose of fighting or baiting any bull, bear,



1 ~~[dog,~~ cock, or other animal, and every person who
2 encourages, aids, or assists therein, or who permits
3 or suffers any place to be so kept or used;

4 (d) Carries or causes to be carried, in or upon any
5 vehicle or other conveyance, any animal in a cruel or
6 inhumane manner; or

7 (e) Assists another in the commission of any act of
8 cruelty to any animal.

9 (2) Subsection (1)(a), (b), (d), and (e), ~~[and the~~
10 ~~following subsection (3) are]~~ shall not ~~[applicable]~~ apply to
11 ~~[accepted]~~:

12 (a) Accepted veterinary practices ~~[and to activities]~~;

13 (b) Activities carried on for scientific research governed
14 by standards of accepted educational or medicinal
15 practices~~[.];~~ or

16 (c) Pest control operations conducted pursuant to chapter
17 149A by a pest control operator licensed pursuant to
18 chapter 460J, if the pest control is performed under a
19 written contract.

20 (3) Whenever any ~~[domestic]~~ animal is so severely injured
21 that there is no reasonable probability that its life
22 or usefulness can be saved, the animal may be



1 immediately [~~destroyed.~~] euthanized without creating
2 any liability under this section.

3 (4) Cruelty to animals in the second degree is a
4 misdemeanor.

5 (5) Any person convicted of committing the offense of
6 cruelty to animals in the second degree shall be subject to
7 section 711-A."

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

10 "**§711-1109.3 Cruelty to animals; fighting dogs.** (1) A
11 person commits the offense of cruelty to animals if the person:

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

15 (b) For amusement or gain, intentionally causes any dog to
16 fight with another dog, or causes any dog to injure
17 another dog; or

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



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

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

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

7 (c) The training of dogs or the use of equipment in the
8 training of dogs for any purpose not prohibited by
9 law.

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

11 (4) Any person convicted of violating this section shall
12 be subject to section 711-A.

13 [~~4~~] (5) If there is any conflict between this section
14 and section 711-1109, [~~or any other provision of law,~~] this
15 section shall apply."

16 SECTION 7. In codifying the new sections added by section
17 2 of this Act, the revisor of statutes shall substitute an
18 appropriate section number for the letter used in designating
19 the new section in this Act.

20 SECTION 8. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun, before its effective date.



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

3 SECTION 10. This Act shall take effect on January 1, 2112.



Report Title:

Cruelty to Animals

Description:

Creates new offenses relating to cruelty to animals. Provides penalties. (SB1665 HD1)

