



GOV. MSG. NO. **770**

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 30, 2008

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 30, 2008, the following bill was signed into law:

SB3203 SD1 HD1 CD1

A BILL FOR AN ACT RELATING TO ANIMAL
HOARDING.
(ACT 128)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO ANIMAL HOARDING.

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

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

4 "§711- Animal hoarding. (1) A person commits the
5 offense of animal hoarding if the person intentionally,
6 knowingly, or recklessly:

7 (a) Possesses more than twenty dogs, cats, or a
8 combination of dogs and cats;

9 (b) Fails to provide necessary sustenance for each dog or
10 cat; and

11 (c) Fails to correct the conditions under which the dogs
12 or cats are living, where conditions injurious to the
13 dogs', cats', or owner's health and well-being result
14 from the person's failure to provide necessary
15 sustenance.

16 (2) Animal hoarding is a misdemeanor."



1 SECTION 2. Section 711-1109.1, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) If there is probable cause to believe that a pet
4 animal is being subjected to treatment in violation of section
5 711-1108.5, 711-1109, [~~or~~] 711-1109.3, or 711-_____, a law
6 enforcement officer, after obtaining a search warrant or in any
7 other manner authorized by law, may enter the premises where the
8 pet animal is located to provide the pet animal with food,
9 water, and emergency medical treatment or to impound the pet
10 animal. If after reasonable effort, the owner or person having
11 custody of the pet animal cannot be found and notified of the
12 impoundment, an impoundment notice shall be conspicuously posted
13 on the premises and within seventy-two hours after posting, the
14 notice shall be sent by certified mail to the address, if any,
15 from which the pet animal was removed."

16 SECTION 3. Section 711-1109.2, Hawaii Revised Statutes, is
17 amended as follows:

18 1. By amending subsection (1) to read as follows:

19 "(1) If any pet animal is impounded pursuant to section
20 711-1109.1, prior to final disposition of the criminal charge
21 under section 711-1108.5, 711-1109, [~~or~~] 711-1109.3, or
22 711-_____, against the pet animal's owner, any duly incorporated



1 humane society or duly incorporated society for the prevention
 2 of cruelty to animals that is holding the pet animal may file a
 3 petition in the criminal action requesting that the court issue
 4 an order for forfeiture of the pet animal to the county or to
 5 the duly incorporated humane society or duly incorporated
 6 society for the prevention of cruelty to animals prior to final
 7 disposition of the criminal charge. The petitioner shall serve
 8 a true copy of the petition upon the defendant and the
 9 prosecuting attorney."

10 2. By amending subsection (3) to read as follows:

11 "(3) At a hearing conducted pursuant to subsection (2),
 12 the petitioner shall have the burden of establishing probable
 13 cause that the pet animal was subjected to a violation of
 14 section 711-1108.5, 711-1109, [~~or~~] 711-1109.3[~~+~~], or 711- .

15 If the court finds that probable cause exists, the court shall
 16 order immediate forfeiture of the pet animal to the petitioner,
 17 unless the defendant, within seventy-two hours of the hearing:

- 18 (a) Posts a security deposit or bond with the court clerk
- 19 in an amount determined by the court to be sufficient
- 20 to repay all reasonable costs incurred, and
- 21 anticipated to be incurred, by the petitioner in



1 caring for the pet animal from the date of initial
2 impoundment to the date of trial; or

3 (b) Demonstrates to the court that proper alternative care
4 has been arranged for the pet animal.

5 Notwithstanding subsection (3)(a), a court may waive, for good
6 cause shown, the requirement that the defendant post a security
7 deposit or bond."

8 3. By amending subsection (5) to read as follows:

9 "(5) No pet animal may be destroyed by a petitioner under
10 this section prior to final disposition of the criminal charge
11 under section 711-1108.5, 711-1109, [~~or~~] 711-1109.3,
12 or 711-_____ against the pet animal's owner, except in the event
13 that the pet animal is so severely injured that there is no
14 reasonable probability that its life can be saved."

15 SECTION 4. Section 711-1110.5, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "§711-1110.5 Surrender or forfeiture of animals. Upon
18 conviction, guilty plea, or plea of nolo contendere for any
19 violation of section 711-1108.5, 711-1109, [~~or~~] 711-1109.3[+],
20 or 711-_____ :

21 (1) The court may order the defendant to surrender or
22 forfeit the animal whose treatment was the basis of



1 the conviction or plea to the custody of a duly
2 incorporated humane society or duly incorporated
3 society for the prevention of cruelty to animals for
4 the time and under the conditions as the court shall
5 order; and

6 (2) The court also may order the defendant to surrender or
7 forfeit any other animals under the possession,
8 custody, or control of the defendant to the custody of
9 a duly incorporated humane society or duly
10 incorporated society for the prevention of cruelty to
11 animals for the time and under the conditions as the
12 court shall order, if there is substantial evidence
13 that the animals are being abused or neglected.

14 The court shall order the defendant to reimburse the duly
15 incorporated humane society or duly incorporated society for the
16 prevention of cruelty to animals for reasonable costs incurred
17 to care, feed, and house any animal that is surrendered or
18 forfeited pursuant to this section."

19 SECTION 5. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun, before its effective date.



1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

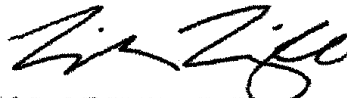
3 SECTION 7. This Act shall take effect upon its approval
4 and shall be repealed on July 1, 2011.



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2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect upon its approval
4 and shall be repealed on July 1, 2011.

APPROVED this 30 day of MAY, 2008



GOVERNOR OF THE STATE OF HAWAII



