

JAN 17 2008

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# A BILL FOR AN ACT

RELATING TO CRUELTY TO ANIMALS.

**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-           Cruelty to animals; dog fighting; penalty.

5           (1) (a) No person shall cause, sponsor, arrange, hold, or  
6           encourage a fight between dogs for the purpose of  
7           monetary gain or entertainment.

8           (b) For the purpose of this section, a person encourages a  
9           fight between dogs for the purpose of monetary gain or  
10           entertainment if the person:

11           (i) Is knowingly present at or wagers on a dog fight;

12           (ii) Owns, trains, transports, possesses, breeds,  
13           sells, transfers, or equips a dog with the intent  
14           that the dog will be engaged in a fight;

15           (iii) Knowingly allows a dog fight to occur on any  
16           property owned or controlled by the person;

17           (iv) Knowingly allows any dog used for a fight to be  
18           kept, boarded, housed, or trained on, or



1                   transported in, any property owned or controlled  
2                   by the person;

3           (v) Knowingly uses any means of communication for the  
4           purpose of promoting a dog fight; or

5           (vi) Knowingly possesses any dog used for a fight or  
6           any device intended to enhance the animal's  
7           fighting ability.

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) Dog fighting is a class C felony. Any person  
18 committing a second or subsequent offense under this section  
19 shall be sentenced to:

20           (a) An indeterminate term of imprisonment of five years,  
21           pursuant to section 706-660; or



1        (b) Five years probation, with conditions to include a  
2                    term of imprisonment of not less than thirty days  
3                    without possibility of suspension of sentence.

4        (4) If there is any conflict between this section and  
5        section 711-1109, or any other provision of law, this section  
6        shall apply."

7                SECTION 2. Section 711-1109.3, Hawaii Revised Statutes, is  
8        repealed.

9                [~~§711-1109.3 Cruelty to animals; fighting dogs. (1) A~~  
10        ~~person commits the offense of cruelty to animals if the person:~~

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

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

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

21        ~~(2) Nothing in this section shall prohibit any of the~~  
22        ~~following:~~



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

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

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

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

9       ~~(4) If there is any conflict between this section and~~  
10       ~~section 711-1109, or any other provision of law, this section~~  
11       ~~shall apply." ]~~

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

15       SECTION 4. Statutory material to be repealed is bracketed  
16       and stricken. New statutory material is underscored.

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

18

INTRODUCED BY: *Suzanne Chun Oakland*



**Report Title:**

Crimes; Dog Fighting

**Description:**

Repeals existing prohibition against dog fighting and enacts more comprehensive prohibition of dog fighting and related conduct. Provides enhanced penalties.

