

STAND. COM. REP. NO.

825

Honolulu, Hawaii

March 1, 2007

RE: H.B. No. 676
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 676 entitled:

"A BILL FOR AN ACT RELATING TO ANIMALS,"

begs leave to report as follows:

The purpose of this bill is to protect pet animals and deter animal abuse by, among other things:

- (1) Establishing the felony offense of aggravated cruelty to pet animals; and
- (2) Requiring the court to order a person convicted of violating animal cruelty laws to attend counseling, at the person's expense, for the evaluation and treatment of behavior or conduct disorders.

The Department of the Prosecuting Attorney of the City and County of Honolulu, Hawaiian Humane Society, Humane Society of the United States, Kauai Humane Society, Maui Humane Society, and a concerned individual supported this bill. The Office of the Public Defender and several concerned individuals opposed this bill. The Judiciary and Hawaii Pest Control Association submitted comments.

Your Committee has amended this measure by:

HB676 HD1 HSCR JUD HMS 2007-2857



- (1) Deleting the provisions establishing the felony offense of aggravated cruelty to pet animals;
- (2) Expanding and clarifying the offense of cruelty to animals by:
 - (A) Reinserting the intentional and knowing states of mind into the offense of cruelty to animals;
 - (B) Including, in the offense of cruelty to animals, causing or allowing serious bodily injury to any animal other than insects, vermin, or other pests;
 - (C) Deleting the provision specifying that transporting an animal in the back of a pick-up truck without appropriate restraint is an action that constitutes cruelty to animals;
 - (D) Establishing that a person commits cruelty to animals if the person:
 - (i) Forces another person to kill or injure a pet animal, except for accepted veterinary practices; or
 - (ii) Recklessly kills or injures a pet animal with the intent to frighten or intimidate another person, or in reckless disregard of the risk of frightening or intimidating another person;

and

 - (E) Clarifying that certain actions that constitute the offense shall not apply to certain pest control operations conducted by a licensed pest control operator pursuant to a written contract;
- (3) Clarifying that the requirement to attend counseling includes persons who commit the acts described under items (2)(D)(i) and (ii) above, and for a person who deprives a pet animal of necessary sustenance;



- (4) Repealing the existing definition of "pet animal" under Chapter 711, Hawaii Revised Statutes (HRS), and defining "pet animal" to mean a domesticated animal kept for personal enjoyment and companionship, legal sporting activities, guarding property, and for guide, signal, or service purposes; provided that poultry, and game fish and other aquatic life in captivity shall not be considered pet animals;
- (5) Repealing the existing definition of "poultry" under Chapter 163, HRS, and defining "poultry" to mean any domesticated bird belonging to the orders galiformes and anseriformes, and including chicken, duck, goose, and turkey;
- (6) Changing its effective date to January 1, 2112, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for style, clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 676, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 676, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


TOMMY WATERS, Chair



