STAND. COM. REP. NO. **1615**

Honolulu, Hawaii

APR 0 5 2007

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


Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 676, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ANIMALS,"

begs leave to report as follows:

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

(1)  Expanding and clarifying the offense of cruelty to
     animals to include the following actions:
     (A)  Depriving a pet animal of necessary sustenance;
     (B)  Forcing another person to injure or kill a pet
          animal;
     (C)  Recklessly injuring or killing a pet animal with
          the intent to frighten or intimidate another
          person; or
     (D)  Recklessly disregarding the risk of frightening or
          intimidating another person.
(2)  Requiring a person convicted of such actions to be
     ordered to attend counseling to treat their behavior at
     their own expense.

Testimony in support of this measure was received from VOICES
(the formerly battered women's caucus of Hawai'i) and a private
citizen.  Testimony in support of amending this measure to
incorporate the provisions of SB 1665 was received from the
Department of the Prosecuting Attorney, City and County of

HB676 HD1 SD1 SSCR JDL.doc

Honolulu. Testimony supporting raising the penalty from a misdemeanor to a felony was received from the Humane Society of the United States, the Hawaii Cat Foundation and three private citizens. The Animal CARE Foundation and eight private citizens submitted testimony opposing the measure because they believed the measure did not provide adequate penalties and should expand the law to cover inhumane treatment of other animals. One private citizen opposed the measure. Horizon Pest Management asked for the exemption of "lawful acts of pest control operators licensed by chapter 460J, Hawaii Revised Statutes (H.R.S.).
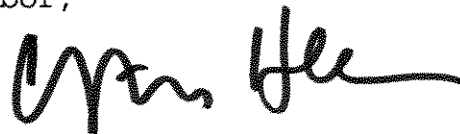
Your Committee has amended the measure by incorporating the provisions of SB 1665 which, among other things, includes the following:

(1) Raising the penalty from a misdemeanor to a felony;
(2) Creating a new offense of aggravated cruelty to pet animals and a definition for "pet animal";
(3) Including endangering an animal by transporting the animal in the back of a pickup without properly restraining the animal; and
(4) Exempting lawful acts of a pest control operator licensed by chapter 460J, H.R.S.

It is the Committee's intent that this measure not pertain to the lawful and humane operations of breeders of pet animals. In applying the term "necessary sustenance", it should be narrowly construed as to provide access to water, food, shelter, veterinarian care, and adequate exercise.

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

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

CLAYTON HEE, Chair

# Record of Votes
## Committee on Judiciary and Labor
## JDL

| Bill / Resolution No.:* | Committee Referral: | Date: |
|---|---|---|
| HB676 HD1 | JDL | 3/27/07 |

☐ The committee is reconsidering its previous decision on this measure.

If so, then the previous decision was to: _____

The Recommendation is:

☐ Pass, unamended 2312    ☑ Pass, with amendments 2311    ☐ Hold 2310    ☐ Recommit 2313

| Members | Aye | Aye (WR) | Nay | Excused |
|---|---|---|---|---|
| HEE, Clayton (C) | ✓ | | | |
| KOKUBUN, Russell S. (VC) | ✓ | | | |
| INOUYE, Lorraine R. | | | | ✓ |
| NISHIHARA, Clarence K. | | | | ✓ |
| GABBARD, Mike | | ✓ | | |
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| **TOTAL** | 2 | 1 | | 2 |

Recommendation:  ☑ Adopted    ☐ Not Adopted

Chair's or Designee's Signature: _Russell S. Kok___

*Only <u>one</u> measure per Record of Votes

Revised: 12/18/06