

STAND. COM. REP. NO.

2704

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 3203

S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 3203 entitled:

"A BILL FOR AN ACT RELATING TO ANIMAL HOARDING,"

begs leave to report as follows:

The purpose of this measure is to criminalize "animal
hoarding" as a misdemeanor.

Specifically, the measure defines "animal hoarding" as the:

- (1) Possession of a large number of animals;
- (2) Failure to provide necessary sustenance for each of
those animals; and
- (3) Display of an inability to recognize or understand the
nature of, or reckless disregard for, the conditions
under which the pet animals are living and the
deleterious impact the conditions have on the pet
animals' and owner's health and well-being.

Testimony in support of this bill was submitted by a
concerned citizen and a Professor of Social Work at the University
of Hawaii. Testimony in opposition to the bill was received from
Animal Rights Hawaii. Animal Advocate, Inc. submitted comments on
the bill.



Your Committee recognizes that animal hoarding cannot be defined by the specific number of animals hoarded, due to variations across cases and the species being hoarded. Your Committee notes that a 1999 research study of fifty-four hoarding cases found that the median number of animals hoarded was thirty-nine per case. In contrast, the American Veterinary Medical Association reported that among the different kinds of pet-owning households in the United States in 2001, Americans owned an average of 1.6 dogs, 2.1 cats, 2.1 birds, and 2.9 horses.

Your Committee has amended the bill by:

- (1) Characterizing the number of animals that is considered hoarding as "more than a typical number" instead of "a large number"; and
- (2) Establishing state of mind requirements with regard to the elements of the number of animals possessed, and failing to provide necessary sustenance.

Your Committee finds that these modifications will more effectively tailor the applicability of the offense to the intended class of offenders.

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 S.B. No. 3203, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3203, 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,



BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 3203	Committee Referral: JDL	Date: 2-12-08
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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
TANIGUCHI, BRIAN T. (C)	✓			
HEE, Clayton (VC)				✓
GABBARD, Mike	✓			
KOKUBUN, Russell S.	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	5	0	0	1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes