

## testimony

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**From:** Cathy [selkie@hawaii.rr.com]  
**Sent:** Sunday, February 10, 2008 4:18 PM  
**To:** testimony  
**Subject:** for Tues. Feb 12, 2008

Please deliver this testimony to Committee Room 016 for JDL hearing at 9:00 am on Tuesday, Feb. 12, 2008. Mahalo!

Chair Taniguchi , Vice Chair Hee and Members of the Judiciary and Labor Committee  
re: SB 3203- relating to Animal hoarding  
position: oppose as written

Whilst we support the intent of this bill, we feel that the language is too broad. How many "pet" animals is too many?

Who is to be the arbiter of that? What will happen to confiscated animals? Is it to be the Hawaiian Humane Society?

If so, we have grave concerns; there have been numerous serious complaints about the HHS' treatment of animals and

its lack of serious enforcement of the Cruelty statute. Their Board of Directors has included companion animal breeders for years.

We feel that regulating and licensing companion animal breeders would be more effective in turning off the spigot of intact unwanted animals loose in our community.

There are a number of small no-kill shelters which might be at risk if this bill advances as written--we suggest working with the broad animal protection community to draft legislation that will truly protect animals. Animal Rights Hawai'i will be happy to work with the Legislature to draft a really effective bill against animal hoarding.

With aloha,  
Cathy Goeggel  
Director, Research and Investigations  
Animal Rights Hawai'i  
PO Box 10845  
Honolulu, HI 96816  
tel: 808.721.4211  
fax: 866.508.2997  
[www.animalrightshawaii.com](http://www.animalrightshawaii.com)  
[selkie@hawaii.rr.com](mailto:selkie@hawaii.rr.com)

## testimony

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**From:** Pamela Davis [liberate@hawaii.rr.com]  
**Sent:** Sunday, February 10, 2008 5:10 PM  
**To:** testimony  
**Subject:** Testimony on SB 3203, Relating to Animal Hoarding

Please deliver this testimony to Committee Room 016, for JDL hearing at 9:00 am on Tuesday, Feb. 12, 2008.

Attention: Chair Taniguchi, Vice Chair Hee and Members of the Judiciary and Labor Committee  
Re: SB 3203 Relating to Animal Hoarding

Please take into consideration the following in the drafting of any legislation to address animal hoarding:

Any bill to address the problem of animal hoarding in our state should include homeless persons keeping animals in substandard conditions.

Have any of the legislators seen the woman who keeps multiple cages of cats on her shopping carts? She is often seen in Kakaako, near the Department of Health building, but she moves from place to place in town. This woman, and others like her, "hoard" animals, but not on a large scale like hoarders who have a dwelling. Nevertheless, these poor cats suffer from the cruel and inhumane manner in which they are kept. They never get out of these small cages, and in some cages I have seen two or even three cats.

I have been in contact with the Animal Legal Defense Fund, which has informed me that cats forced to live continuously in a small trap or carrying cage is in clear violation of the "necessary sustenance" provision of Hawaii Revised Statutes (Section 711-1109). That provision requires that an "area of confinement that has adequate space necessary for the health of the animal" be provided. However, the Hawaiian Humane Society (HHS), which likely allowed her the use of the traps in the first place, has apparently not used the statute to rescue the cats.

Moreover, if the cats were rescued by the HHS, they would be placed for adoption but the ones not adopted would be euthanized. Hundreds of lbs. of companion animals who could not find a home are killed and cremated at HHS every month. This is because the HHS has not followed the lead of other more progressive jurisdictions by instituting a no-kill shelter. That is why I have not already tested the law (i.e., Section 711-1109, HRS) myself.

Finally, I think it is reasonable to conclude that the homeless woman herself needs mental health treatment. If she does not receive treatment, she will continue to hoard other animals after some are taken away. As you can see, "animal" issues are not just animal-specific, but they uncover other needs, human needs, in our community which are going unaddressed.

I sincerely hope that you will take this information into consideration and specifically address situations like the homeless woman hoarding cats in any proposed legislation.

Sincerely,

Pamela Davis  
Animal Advocate, Inc.  
Honolulu  
<http://www.animaladvocateinc.org/index.htm>

## testimony

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**From:** Pamela Davis [liberate@hawaii.rr.com]  
**Sent:** Monday, February 11, 2008 3:38 PM  
**To:** testimony  
**Subject:** Addendum to Previously Submitted Testimony -- SB 3203

Please deliver this Addendum to my previously submitted testimony to Committee Room 016, for JDL hearing at 9:00 am on Tuesday, Feb. 12, 2008.

Attention: Chair Taniguchi, Vice Chair Hee and Members of the Judiciary and Labor Committee

RE: SB 3203, Relating to Animal Hoarding

On February 10, 2008, we submitted testimony regarding the above bill. We hereby submit additional testimony, supplementing our previous testimony, regarding hoarding of animals.

Statutes regarding the care of animals are often vague and need to be better defined. Though 43 states now have felony animal cruelty statutes on their books, it is difficult to get convictions under those statutes in hoarding cases. That is because hoarding is often considered animal neglect, not a deliberate act of cruelty. And, only a few states consider animal neglect a felony. In 2001, Illinois became the first state to add a definition of a companion animal hoarder to its cruelty statutes. It not only makes hoarding cases easier to prosecute, but allows for increased penalties and allows courts to order the convicted hoarder to undergo mental health treatment for his or her hoarding behavior. Legislators in New Mexico, Vermont, and Montana have also proposed laws that specifically address animal hoarding. They realize that hoarding is a huge drain, both financially and emotionally, on a community, and if you can reduce hoarding, you can save the limited resources of a community.

We brought to your attention the homeless lady who hoardes cats, restricted in the number of animals she keeps only by the fact that she is homeless and has no dwelling in which to keep the cats. We also mentioned that the woman likely requires mental health treatment. You should know that research has shown that simply taking away a hoarder's animals is not enough. Without mental health treatment and monitoring, there is a 100 percent (100%) recidivism rate.

The mental health aspect is very important, and must be included in any proposed legislation. Animal hoarders often live isolated, solitary lives and are generally distrustful of other people. You can take the animals away, but it does not remove the hoarder's need to continuously acquire and possess animals. Not all hoarders suffer from obsessive-compulsive disorder, though some of them do. They may be suffering from a variety of other mental health disorders, including borderline personality disorder, anxiety, social phobia, schizoaffective disorder and/or elderly dementia. They have an insatiable need for these relationships (i.e., with the animals they are keeping). There is a great sense of power and a sense of control within this domain that the animal hoarder has created.

Please include mental health treatment in any legislation regarding hoarding, because if you don't, the legislation will be ineffective. In addition, please provide for a no-kill shelter for confiscated animals, because as we stated in our previous testimony submittal, the Hawaiian Humane Society will euthanize the animals if they are not adopted quickly enough. We cannot in good conscience rescue an animal only to kill it a week or so later.

We genuinely appreciate your efforts, and hope that you will include all necessary provisions to ensure that the law is effective. Otherwise, we're just spinning our wheels. Please let me know if I can provide you with any further information in regard to this issue.

Sincerely,

Pamela Davis  
Animal Advocate, Inc.

Honolulu  
<http://www.animaladvocateinc.org/index.htm>

## testimony

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**From:** Joel Fischer [jfischer@hawaii.edu]  
**Sent:** Saturday, February 09, 2008 7:26 PM  
**To:** testimony  
**Subject:** SB3203; JDL; 2/12; 9AM; Rm 016

**Importance:** High

SB3203, Relating to Animal Hoarding  
JDL; Chair, Sen Taniguchi, Vice Chair, Sen Hee

PLEASE PASS THIS BILL.

Thank you for hearing this bill that protects innocent animals against the cruelty and neglect of greedy breeders and owners. I realize that some of these "hoarders" may claim to love their animals. But recent events in Hawai'i and elsewhere show that the animals owned by "hoarders" suffer immense cruelties and often die very prematurely.

I am very proud that our legislature is stepping up to the plate to change our laws in an effort to further protect animals.

Thank you.

Aloha, joel

Dr. Joel Fischer, ACSW  
President, 19-3, Democratic Party

Professor  
University of Hawai'i, School of Social Work Henke Hall Honolulu, HI 96822

"It is reasonable that everyone who asks justice should DO justice."  
Thomas Jefferson

"There comes a time when one must take a position that is neither safe, nor politic, nor popular, but one must take it because one's conscience tells one that it is right."  
Dr. Martin Luther King, Jr.

"Never, never, never quit."  
Winston Churchill

**TESTIMONY OF GLEN FUKUNAGA IN SUPPORT OF S.B. No. 3203  
Relating to Animal Hoarding**

**SENATE COMMITTEE ON JUDICIARY AND LABOR**

Hearing Date: Tuesday, February 12, 2008

9:00 a.m. Conference Room 016

**To: Senator Brian Taniguchi, Chair  
Senator Clayton Hee, Vice Chair  
Members of the Committee on Judiciary and Labor**

My name is Glen Fukunaga and as a concerned citizen I am presenting this testimony in strong support of S.B. No. 3203, with one amendment.

Most people are unfamiliar with the term "animal hoarding." The Hoarding of Animals Research Consortium, a group affiliated with Tufts University's School of Veterinary Medicine in Massachusetts, describes animal hoarding as

"an important, misunderstood, and under-recognized community problem that affects both human and animal welfare. It is responsible for substantial animal suffering and property damage. Often associated with adult self-neglect, animal hoarding can place children, elders, and dependent adults at serious risk, and can be an economic burden to taxpayers."

There are four characteristics of animal hoarders:

- Failure to provide minimal standards of sanitation, space, nutrition and veterinary care
- An inability to see that level of care is creating problems for animals and humans
- Obsessive attempts to maintain and add to the numbers of animals even while conditions get progressively worse
- Denying that living conditions are creating a problem for animals and people

An April 2000 Psychiatric Times article entitled *People Who Hoard Animals*, by Hoarding of Animals Research Consortium Corresponding Author Randy Frost, Ph.D, described an extreme case in which over 600 animals were found in the home of a Los Angeles woman; some of the animals were already dead, and some so ill that they had to be euthanized. The woman refused to voluntarily surrender the animals to animal control, and insisted that they were well cared-for.

The Hoarding of Animals Research Consortium has estimated that as many as 250,000 animals per year are acquired by animal hoarders.

It has been reported that for most hoarders, living spaces are compromised to the extent that they no longer serve the function for which they were intended. Household functions such as food preparation are impaired, and basic sanitation is impossible. Other

family members, such as children and dependent elderly persons are at risk. Rodent and insect infestations, animal feces and urine, and high levels of ammonia pose immediate health risks. Odors and an increased fire hazard from clutter can create a community health threat.

According to a September 11, 2005 Honolulu Advertiser article by the Hawaiian Humane Society entitled *Animal hoarders in denial of cruelty*: the Hawaiian Humane Society has investigated animal hoarding cases but believes that many hoarders go unreported or undetected; O'ahu law states that no household can contain more than 10 pet dogs without being considered a commercial operation; there is no number limit for cats; and although many different animals can be hoarded, cats are common because they are easier to conceal than dogs.

While animal hoarders are generally unseen and unnoticed, I have been witness to a highly public example for the past several years. A homeless woman in Kakaako has been hoarding cats and ducks in squalid and extremely confining conditions. They are placed in cages atop shopping carts, without any time outside even to urinate or defecate. I have included photographs that give a sense of the nature and extent of the situation. The Hawaiian Humane Society has informed me that they have no written standards on such confinement and welcome guidelines on this matter. In the future, the Legislature should bolster the "area of confinement" component in the definition of "necessary sustenance."

HRS §711-1100 defines "necessary sustenance" as:

"care sufficient to preserve the health and well-being of a pet animal, except for emergencies or circumstances beyond the reasonable control of the owner or caretaker of the pet animal, and includes but is not limited to the following requirements:

- (1) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight;
- (2) Open or adequate access to water in sufficient quantity and quality to satisfy the animal's needs;
- (3) Access to protection from wind, rain, or sun; and
- (4) *An area of confinement that has adequate space necessary for the health of the animal* and is kept reasonably clean and free from excess waste or other contaminants that could affect the animal's health."

*Emphasis added.*

The provision on "area of confinement" could, for example, refer to the Specifications for the Humane Handling, Care, Treatment, and Transportation of Dogs and Cats set forth in the U.S. Department of Agriculture Animal Health and Husbandry Standards, 9 C.F.R. 3.6. A copy of the USDA standards is attached to this testimony.

Finally, I would suggest that on page 1 line 6 of S.B. No 3203, "a large number" of pet animals should be changed to "more than a typical number" of pet animals. Whether a number is "typical" calls for application of common sense and would vary with the situation. For a person living on the street it is atypical to have 20 animals and more on the way. On a farm it might not be unusual at all.

In summary, I respectfully urge you to pass S.B. No. 3203 either in its present form or with a change on page 1 line 6 from "a large number" to "more than a typical number." In the future, I would request that the definition of necessary sustenance be reviewed to assure that it adequately protects pet cats and dogs permanently confined to cages or pet carriers.

Please note that the Hoarding of Animals Research Consortium's website is [www.tufts.edu/vet/cfa/hoarding](http://www.tufts.edu/vet/cfa/hoarding). Compelling videos of animal hoarding cases can be found by searching for "hoarding" on the Humane Society of the United States website, [www.hsus.org](http://www.hsus.org).

Thank you for the opportunity to testify on this measure.





Animal hoarder with shopping cart. Honolulu, December 2007



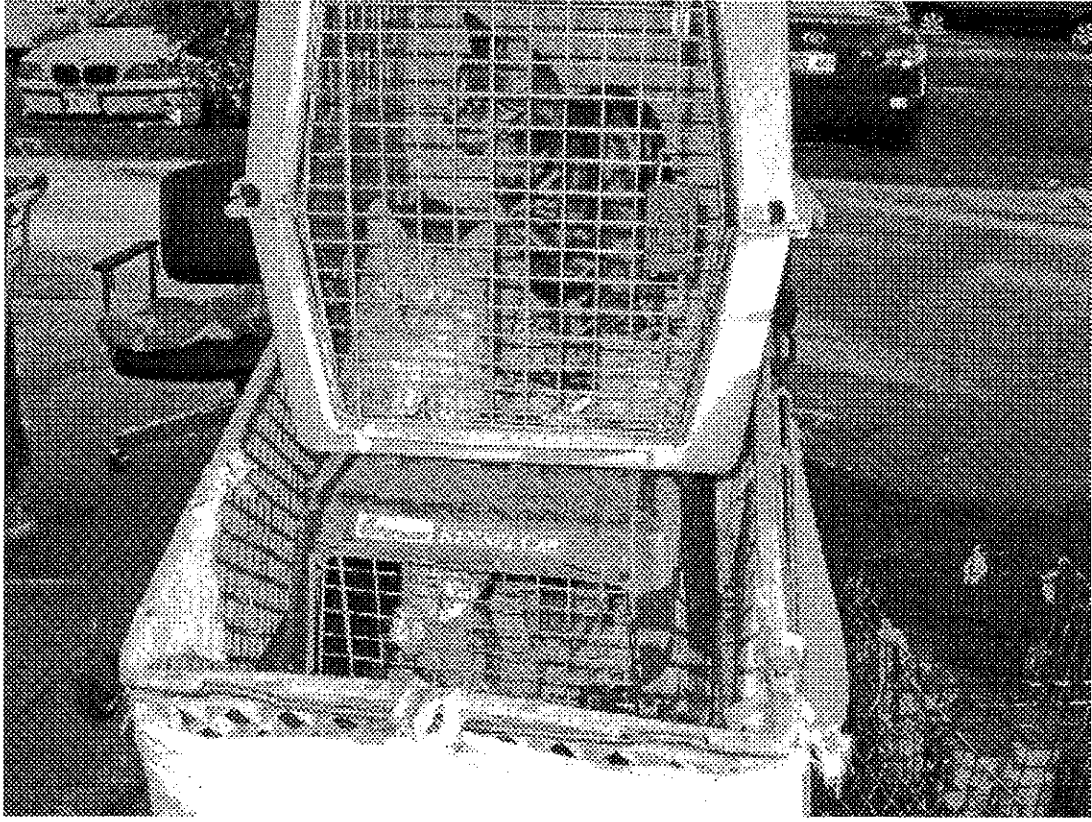
Animal hoarder's carts and carriers. Honolulu, October 2007



Pet carriers stacked in shopping carts. Honolulu, November 2007



Pet carriers stacked in shopping carts. Honolulu, October 2007



Pet carriers stacked in shopping carts. Honolulu, October 2007

## Section

[Code of Federal Regulations]

[Title 9, Volume 1]

[Revised as of January 1, 2005]

From the U.S. Government Printing Office via GPO Access

[CITE: 9CFR3.6]

[Page 49-51]

### TITLE 9--ANIMALS AND ANIMAL PRODUCTS

#### CHAPTER I--ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

#### PART 3 STANDARDS--Table of Contents

##### Subpart A Specifications for the Humane Handling, Care, Treatment, and Transportation of Dogs and Cats \1\

#### Sec. 3.6 Primary enclosures.

Primary enclosures for dogs and cats must meet the following minimum requirements:

(a) General requirements. (1) Primary enclosures must be designed and constructed of suitable materials so that they are structurally sound. The primary enclosures must be kept in good repair.

(2) Primary enclosures must be constructed and maintained so that they:

(i) Have no sharp points or edges that could injure the dogs and cats;

(ii) Protect the dogs and cats from injury;

(iii) Contain the dogs and cats securely;

(iv) Keep other animals from entering the enclosure;

(v) Enable the dogs and cats to remain dry and clean;

(vi) Provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to all the dogs and cats;

(vii) Provide sufficient shade to shelter all the dogs and cats housed in the primary enclosure at one time;

(viii) Provide all the dogs and cats with easy and convenient access

to clean food and water;

(ix) Enable all surfaces in contact with the dogs and cats to be readily cleaned and sanitized in accordance with Sec. 3.11(b) of this subpart, or be replaceable when worn or soiled;

(x) Have floors that are constructed in a manner that protects the dogs' and cats' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' and cats' feet to pass through any openings in the floor;

(xi) Provide sufficient space to allow each dog and cat to turn about freely, to stand, sit, and lie in a comfortable, normal position, and to walk in a normal manner; and

(xii) Primary enclosures constructed on or after February 20, 1998 and floors replaced on or after that date, must

[[Page 50]]

comply with the requirements in this paragraph (a)(2). On or after January 21, 2000, all primary enclosures must be in compliance with the requirements in this paragraph (a)(2). If the suspended floor of a primary enclosure is constructed of metal strands, the strands must either be greater than  $\frac{1}{8}$  of an inch in diameter (9 gauge) or coated with a material such as plastic or fiberglass. The suspended floor of any primary enclosure must be strong enough so that the floor does not sag or bend between the structural supports.

(b) Additional requirements for cats.--(1)Space. Each cat, including weaned kittens, that is housed in any primary enclosure must be provided minimum vertical space and floor space as follows:

(i) Prior to February 15, 1994 each cat housed in any primary enclosure shall be provided a minimum of  $2\frac{1}{2}$  square feet of floor space;

(ii) On and after February 15, 1994:

(A) Each primary enclosure housing cats must be at least 24 in. high (60.96 cm);

(B) Cats up to and including 8.8 lbs (4 kg) must be provided with at least  $3.0\text{ ft}^2$  ( $0.28\text{ m}^2$ );

(C) Cats over 8.8 lbs (4 kg) must be provided with at least  $4.0\text{ ft}^2$  ( $0.37\text{ m}^2$ );

(iii) Each queen with nursing kittens must be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry

practices. If the additional amount of floor space for each nursing kitten is equivalent to less than 5 percent of the minimum requirement for the queen, such housing must be approved by the attending veterinarian in the case of a research facility, and, in the case of dealers and exhibitors, such housing must be approved by the Administrator; and

(iv) The minimum floor space required by this section is exclusive of any food or water pans. The litter pan may be considered part of the floor space if properly cleaned and sanitized.

(2) Compatibility. All cats housed in the same primary enclosure must be compatible, as determined by observation. Not more than 12 adult nonconditioned cats may be housed in the same primary enclosure. Queens in heat may not be housed in the same primary enclosure with sexually mature males, except for breeding. Except when maintained in breeding colonies, queens with litters may not be housed in the same primary enclosure with other adult cats, and kittens under 4 months of age may not be housed in the same primary enclosure with adult cats, other than the dam or foster dam. Cats with a vicious or aggressive disposition must be housed separately.

(3) Litter. In all primary enclosures, a receptacle containing sufficient clean litter must be provided to contain excreta and body wastes.

(4) Resting surfaces. Each primary enclosure housing cats must contain a resting surface or surfaces that, in the aggregate, are large enough to hold all the occupants of the primary enclosure at the same time comfortably. The resting surfaces must be elevated, impervious to moisture, and be able to be easily cleaned and sanitized, or easily replaced when soiled or worn. Low resting surfaces that do not allow the space under them to be comfortably occupied by the animal will be counted as part of the floor space.

(5) Cats in mobile or traveling shows or acts. Cats that are part of a mobile or traveling show or act may be kept, while the show or act is traveling from one temporary location to another, in transport containers that comply with all requirements of Sec. 3.14 of this subpart other than the marking requirements in Sec. 3.14(a)(6) of this subpart. When the show or act is not traveling, the cats must be placed in primary enclosures that meet the minimum requirements of this section.

(c) Additional requirements for dogs--(1) Space. (i) Each dog housed in a primary enclosure (including weaned puppies) must be provided a



minimum amount of floor space, calculated as follows: Find the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; then divide the product by 144. The calculation is: (length of dog in inches + 6) x (length of dog in inches + 6) = required floor space in square inches. Required floor space in inches/144 = required floor space in square feet.

[[Page 51]]

(ii) Each bitch with nursing puppies must be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices as determined by the attending veterinarian. If the additional amount of floor space for each nursing puppy is less than 5 percent of the minimum requirement for the bitch, such housing must be approved by the attending veterinarian in the case of a research facility, and, in the case of dealers and exhibitors, such housing must be approved by the Administrator.

(iii) The interior height of a primary enclosure must be at least 6 inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position: Provided That, prior to February 15, 1994, each dog must be able to stand in a comfortable normal position.

(2) Compatibility. All dogs housed in the same primary enclosure must be compatible, as determined by observation. Not more than 12 adult nonconditioned dogs may be housed in the same primary enclosure. Bitches in heat may not be housed in the same primary enclosure with sexually mature males, except for breeding. Except when maintained in breeding colonies, bitches with litters may not be housed in the same primary enclosure with other adult dogs, and puppies under 4 months of age may not be housed in the same primary enclosure with adult dogs, other than the dam or foster dam. Dogs with a vicious or aggressive disposition must be housed separately.

(3) Dogs in mobile or traveling shows or acts. Dogs that are part of a mobile or traveling show or act may be kept, while the show or act is traveling from one temporary location to another, in transport containers that comply with all requirements of Sec. 3.14 of this subpart other than the marking requirements in Sec. 3.14(a)(6) of this subpart. When the show or act is not traveling, the dogs must be placed

in primary enclosures that meet the minimum requirements of this section.

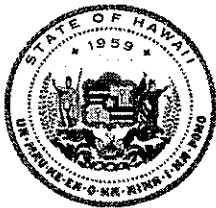
(4) Prohibited means of primary enclosure. Permanent tethering of dogs is prohibited for use as primary enclosure. Temporary tethering of dogs is prohibited for use as primary enclosure unless approval is obtained from APHIS.

(d) Innovative primary enclosures not precisely meeting the floor area and height requirements provided in paragraphs (b)(1) and (c)(1) of this section, but that provide the dogs or cats with a sufficient volume of space and the opportunity to express species-typical behavior, may be used at research facilities when approved by the Committee, and by dealers and exhibitors when approved by the Administrator.

(Approved by the Office of Management and Budget under control number 0579-0093)

[56 FR 6486, Feb. 15, 1991, as amended at 62 FR 43275, Aug. 13, 1997; 63 FR 3023, Jan. 21, 1998; 63 FR 37482, July 13, 1998]

Animal Health and Husbandry Standards



**Office of the Public Defender  
State of Hawaii**



**Timothy Ho, Chief Deputy Public Defender  
Testimony of the Office of the Public Defender,  
State of Hawaii to the Senate Committee on Judiciary and Labor**

February 12, 2008, 9:00 a.m.

RE: S.B. 3203: Relating To Animal Hoarding

Chair Taniguchi and Members of the Committee:

This measure would make the act of animal hoarding a misdemeanor offense punishable by up to one year in jail and/or a two thousand dollar fine.

The Office of the Public Defender opposes S.B. 3203.

Section 711-1109, Animal Cruelty in the Second Degree proscribes the intentional, knowing or reckless causation of substantial bodily injury or starvation of any animal. The causation of substantial bodily injury or starvation of a single animal is prohibited under the current animal cruelty laws. The offense of animal hoarding would be harder to prove than animal cruelty.

The offense of animal hoarding would require proof of ownership of a large number of animals. What constitutes a large number of animals? The language is vague as to what constitutes a large number of animals, and may not provide sufficient notice to the pet owner.

We believe that this bill unnecessarily duplicates cruelty to animals in the second degree, and is harder to prove. Thank you for the opportunity to comment on this bill.

**LATE**

**testimony**

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**From:** Kawehi Yim [kyim@hawaiianhumane.org]  
**Sent:** Tuesday, February 12, 2008 8:47 AM  
**To:** testimony  
**Subject:** SB - 3203 -- Relating to Animal Hoarding

February 11, 2008

Committee on Judiciary and Labor  
Senator Brian Taniguchi, Chair  
Hearing Date: February 12, 2008, 9:00 a.m.

**SUBJECT:** Regarding SB 3203 – Relating to Animal Hoarding

**FROM:** Kawehi Yim, The Hawaiian Humane Society

Dear Senator Taniguchi and Members of the Committee,

As a Society for the Prevention of Cruelty to Animals (SPCA), the Hawaiian Humane Society supports legislation that strengthens Hawaii’s animal welfare laws. We believe that the current animal cruelty laws cover the requirement of the owner(s) to provide the necessary sustenance for an animal, however, we are supportive of legislative efforts that can further reduce animal suffering and protect all animals.

Respectfully submitted,

Kawehi Yim  
Community Relations Director  
Hawaiian Humane Society  
2700 Waiialae Avenue  
Honolulu, HI 96826  
Phone: 808.356.2212  
Cell: 808.358.1960  
Fax: 808.955.6034

[kyim@hawaiianhumane.org](mailto:kyim@hawaiianhumane.org)

[www.hawaiianhumane.org](http://www.hawaiianhumane.org)

 *Please consider the environment before printing this e-mail*  
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## testimony

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**From:** animal\_care\_foundation@juno.com  
**Sent:** Tuesday, February 12, 2008 7:57 AM  
**To:** testimony  
**Subject:** SB 3203 (Animal Hoarding) Testimony

Please deliver this testimony to the Senate Judiciary and Labor Committee hearing at the date, time, and place listed below. Mahalo!

**DATE:**  
Tuesday, February 12, 2008

**TIME:**  
9:00 a.m.

**PLACE:**  
Conference Room 016

State Capitol

415 South Beretania Street

Please deliver this testimony to Committee Room 016 for JDL hearing at 9:00 am on Tuesday, Feb. 12, 2008. Mahalo!

Chair Taniguchi , Vice Chair Hee and M em bers of the Judiciary and Labor Committee  
re: SB 3203- relating to Animal hoarding  
position: oppose as written

This bill sounds good on its face, but the reality that it will be abused if enacted into law.

The language is too broad. There is no specificity about how many animals is "a large number of animals". What is the "condition" that the law seeks to prevent? Does any place which has not achieved the "Good Housekeeping Seal of Approval" , or the humane societies' arbitrary and capricious version of the Good Housekeeping Seal.

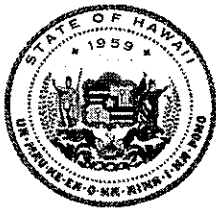
And what is a "deleterious effect" on human or animal health and who decides? Do allergies of people qualify? Does kennel cough or ringworm qualify?

Also, we are saving the animals from a messy house by having them confiscated and killed in a barbaric and cruel fashion.

Last, but not least, the Hawaiian Humane Society has had a terrible history of going after animal rescue organizations and individual breeders, who are in competition with them. We have sworn testimony from employees saying how HHS wanted to "make a big splash in the media" by going after organizations that make them look bad - a revenge motive and malicious prosecution. They also go after breeders who are in competition with the breeders on their board of directors or are their financial supporters.

There are a number of small no-kill shelters which might be at risk if this bill advances as written--we suggest working with the broad animal protection community to draft legislation that will truly protect animals.

Submitted by:  
Frank De Giacomo, V.P.  
Animal CARE Foundation



**Office of the Public Defender  
State of Hawaii**



**Timothy Ho, Chief Deputy Public Defender  
Testimony of the Office of the Public Defender,  
State of Hawaii to the Senate Committee on Judiciary and Labor**

February 12, 2008, 9:00 a.m.

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**LATE**

**testimony**

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**Sent:** Tuesday, February 12, 2008 8:47 AM  
**To:** testimony  
**Subject:** SB - 3203 -- Relating to Animal Hoarding

February 11, 2008

Committee on Judiciary and Labor  
Senator Brian Taniguchi, Chair  
Hearing Date: February 12, 2008, 9:00 a.m.

**SUBJECT:** Regarding SB 3203 – Relating to Animal Hoarding

**FROM:** Kawehi Yim, The Hawaiian Humane Society

Dear Senator Taniguchi and Members of the Committee,

As a Society for the Prevention of Cruelty to Animals (SPCA), the Hawaiian Humane Society supports legislation that strengthens Hawaii’s animal welfare laws. We believe that the current animal cruelty laws cover the requirement of the owner(s) to provide the necessary sustenance for an animal, however, we are supportive of legislative efforts that can further reduce animal suffering and protect all animals.

Respectfully submitted,

Kawehi Yim  
Community Relations Director  
Hawaiian Humane Society  
2700 Waiialae Avenue  
Honolulu, HI 96826  
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## testimony

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**From:** animal\_care\_foundation@juno.com  
**Sent:** Tuesday, February 12, 2008 7:57 AM  
**To:** testimony  
**Subject:** SB 3203 (Animal Hoarding) Testimony

Please deliver this testimony to the Senate Judiciary and Labor Committee hearing at the date, time, and place listed below. Mahalo!

**DATE:**  
Tuesday, February 12, 2008

**TIME:**  
9:00 a.m.

**PLACE:**  
Conference Room 016

State Capitol

415 South Beretania Street

Please deliver this testimony to Committee Room 016 for JDL hearing at 9:00 am on Tuesday, Feb. 12, 2008. Mahalo!

Chair Taniguchi , Vice Chair Hee and M em bers of the Judiciary and Labor Committee  
re: SB 3203- relating to Animal hoarding  
position: oppose as written

This bill sounds good on its face, but the reality that it will be abused if enacted into law.

The language is too broad. There is no specificity about how many animals is "a large number of animals". What is the "condition" that the law seeks to prevent? Does any place which has not achieved the "Good Housekeeping Seal of Approval" , or the humane societies' arbitrary and capricious version of the Good Housekeeping Seal.

And what is a "deleterious effect" on human or animal health and who decides? Do allergies of people qualify? Does kennel cough or ringworm qualify?

Also, we are saving the animals from a messy house by having them confiscated and killed in a barbaric and cruel fashion.

Last, but not least, the Hawaiian Humane Society has had a terrible history of going after animal rescue organizations and individual breeders, who are in competition with them. We have sworn testimony from employees saying how HHS wanted to "make a big splash in the media" by going after organizations that make them look bad - a revenge motive and malicious prosecution. They also go after breeders who are in competition with the breeders on their board of directors or are their financial supporters.

There are a number of small no-kill shelters which might be at risk if this bill advances as written--we suggest working with the broad animal protection community to draft legislation that will truly protect animals.

Submitted by:  
Frank De Giacomo, V.P.  
Animal CARE Foundation