

---

---

## A BILL FOR AN ACT

RELATING TO CRUELTY TO ANIMALS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to recognize that  
2 chaining, tethering, or otherwise tying an animal to a  
3 stationary object under certain conditions is inhumane by  
4 establishing certain types of animal restraint as an offense of  
5 cruelty to animals in the second degree.

6           SECTION 2. Section 711-1109, Hawaii Revised Statutes, is  
7 amended by amending subsection (1) to read as follows:

8           "(1) A person commits the offense of cruelty to animals in  
9 the second degree if the person intentionally, knowingly, or  
10 recklessly:

11           (a) Overdrives, overloads, tortures, torments, beats,  
12 causes substantial bodily injury, or starves any  
13 animal, or causes the overdriving, overloading,  
14 torture, torment, beating, or starving of any animal,  
15 or deprives a pet animal of necessary sustenance or  
16 causes such deprivation;

17           (b) Mutilates, poisons, or kills without need any animal  
18 other than insects, vermin, or other pests;



1 (c) Keeps, uses, or in any way is connected with or  
2 interested in the management of, or receives money for  
3 the admission of any person to, any place kept or used  
4 for the purpose of fighting or baiting any bull, bear,  
5 cock, or other animal, and every person who  
6 encourages, aids, or assists therein, or who permits  
7 or suffers any place to be so kept or used;

8 (d) Carries or causes to be carried, in or upon any  
9 vehicle or other conveyance, any animal in a cruel or  
10 inhumane manner; [~~or~~]

11 (e) Restrains any pet to any stationary object including a  
12 house, tree, or fence in a manner or for a time that  
13 endangers the animal's health, safety, or well-being,  
14 or inflicts emotional suffering upon the animal. This  
15 paragraph shall not preclude the use of any restraint  
16 that is in compliance with the requirements of a  
17 camping or recreational area, that is in accordance  
18 with a valid license issued by the State, that is  
19 necessary to restrain an animal that has been  
20 established as an animal that may be dangerous to  
21 humans, or that involves the use of a pulley, running  
22 line, or trolley system that does not employ a choke



collar; provided that the animal has access to food, water and shelter. For purposes of this paragraph:

"Pet" includes any animal of a species or breed that is traditionally kept as a pet such as dogs, cats, parakeets, and pot belly pigs;

"Restrains" includes the use of any restraint including a chain, rope, tether, or leash:

(i) Less than four times the length of the animal;

(ii) Used in a manner that could cause the animal to choke;

(iii) Of inadequate length to provide an area for the animal to eat, drink, or lie down sufficiently distant from an area where the animal may urinate or defecate;

(iv) Used in a manner that could prevent the animal from accessing food or water; and

(v) Used in a manner that would prevent the animal from accessing shelter from the weather;

or

~~(e)~~ (f) Assists another in the commission of any act specified in ~~subsections~~ subsection (1)(a) through ~~(1)(d).~~

(e)."



1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.  
4

INTRODUCED BY:

A handwritten signature in black ink, appearing to be "B/R", written over a horizontal line.

JAN 27 2009



**Report Title:**

Cruelty to Animals; Second Degree

**Description:**

Establishes certain types of animal restraint as an offense of cruelty to animals in the second degree.

