

MAR 18 2009

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## SENATE RESOLUTION

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REQUESTING THE GOVERNOR TO ESTABLISH A TASK FORCE ON HUMANE  
RESTRAINT AND CONFINEMENT OF PET ANIMALS.

1           WHEREAS, the humane treatment of animals is a reflection of  
2 society; and

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4           WHEREAS, during each legislative session, citizens come  
5 forward to seek the introduction of legislation prohibiting acts  
6 of cruelty and neglect toward animals to address situations that  
7 have arisen in their communities; and

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9           WHEREAS, the Supplemental Commentary on sections 711-1109  
10 to 711-1110, Hawaii Revised Statutes, provides, in part:

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12           "Act 173, Session Laws 1998, amended §711-1109 to  
13 provide that depriving pet animals of necessary sustenance  
14 constitutes the crime of cruelty to animals. The  
15 legislature noted that the statute identified only those  
16 acts which were the most heinous and extreme, such as  
17 beating, mutilation, poisoning, starvation, and torture.  
18 However, on a daily basis, less overt acts such as daily  
19 neglect also resulted in the inhumane treatment of animals.  
20 Thus, the legislature agreed that pet animals deserved a  
21 minimum level of care including adequate food, water, and  
22 shelter. Senate Standing Committee Report No. 87."; and

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24           WHEREAS, a review of state laws on the treatment of these  
25 "less overt acts" of animal cruelty is timely and appropriate;  
26 and

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28           WHEREAS, the definition of "necessary sustenance" in  
29 section 711-1100, Hawaii Revised Statutes, while requiring  
30 adequate space and reasonable cleanliness for the animal's  
31 health, is silent on how long a pet animal may be confined in a  
32 cage, how the type of pet animal dictates what may be an  
33 acceptable manner and duration of confinement in a cage, or how  
34 the duration of confinement affects the adequacy of space  
35 necessary for the health of the animal; and



1           WHEREAS, present law allows dogs to be tethered to a  
2 stationary object for twenty-four hours a day, seven days a  
3 week; as long as the tether is at least six feet long; and  
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5           WHEREAS, a tether can become tangled around a dog or hooked  
6 on the dog's shelter or other objects, further restricting the  
7 dog's movement and potentially causing injury; and  
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9           WHEREAS, a number of measures introduced in the Regular  
10 Session of 2009 sought to create new misdemeanor offenses  
11 prohibiting various inhumane forms of restraint or confinement,  
12 including tethering, fastening, chaining, tying, kenneling, or  
13 caging; and  
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15           WHEREAS, these measures include:

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- 17           (1) Senate Bill No. 1222, Relating to the Humane Treatment  
18 of Pet Animals, which proposed a new misdemeanor  
19 offense prohibiting confinement of a pet animal in a  
20 cage on public property for more than four hours, with  
21 some excepted circumstances, and decreased the  
22 specified number of dogs or cats deprived of necessary  
23 sustenance necessary to constitute the offense of  
24 animal hoarding;  
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- 26           (2) Senate Bill No. 30, Relating to Animals, which  
27 proposed a new misdemeanor offense of dog tethering  
28 applicable to a person who tethers, fastens, chains,  
29 ties, or otherwise restrains a dog to a dog house,  
30 tree, fence, or other stationary object;  
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- 32           (3) Senate Bill No. 488, Relating to Animal Cruelty, which  
33 proposed to add a new subsection to section 711-1109,  
34 Hawaii Revised Statutes, applicable to a person who  
35 tethers, fastens, chains, ties, or otherwise restrains  
36 a companion animal for longer than a reasonable period  
37 of time to complete a temporary task, or for any  
38 amount of time in which the tether, fastener, chain,  
39 tie, or other restraint causes actual harm, or in a  
40 manner that endangers the animal's health, safety, or  
41 well-being or inflicts emotional distress upon the  
42 animal; and  
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1           (4) Senate Bill No. 1188, Relating to Animals, which  
2           proposed to create three new subsections in section  
3           711-1109, Hawaii Revised Statutes, applicable to a  
4           person who: tethers, fastens, chains, ties, or  
5           otherwise restrains a dog or cat for an unreasonable  
6           period of time or in a manner that unreasonably limits  
7           movement; tethers, fastens, chains, ties, restrains,  
8           kennels, or cages a dog or cat in any manner that  
9           exposes the animal to unsafe conditions; or tethers,  
10          fastens, chains, ties, restrains, kennels or cages a  
11          dog or cat in any manner that causes exposure without  
12          shelter during periods of hazardous weather; and  
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14           WHEREAS, these measures demonstrate the need for  
15          comprehensive legislation regarding the restraint and  
16          confinement of pet animals that would not only meet the needs of  
17          the community but would consider the unique differences among  
18          the counties with regard to enforcement capabilities; now,  
19          therefore,  
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21           BE IT RESOLVED by the Senate of the Twenty-fifth  
22          Legislature of the State of Hawaii, Regular Session of 2009,  
23          that the Governor is requested to establish a Task Force on  
24          Humane Restraint and Confinement of Pet Animals, to examine the  
25          issues raised during the Regular Session of 2009 by Senate Bill  
26          No. 1222, S.D. 1, Senate Bill No. 30, S.D. 1, Senate Bill No.  
27          488, and Senate Bill No. 1188; and  
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29           BE IT FURTHER RESOLVED that the membership of the task  
30          force would most appropriately include individuals recommended  
31          by the Chairpersons of the Senate Committee on Judiciary and  
32          Government Operations and the House Committee on Judiciary, as  
33          well as representatives of the following agencies and  
34          organizations, all of whom would be requested by the Governor to  
35          serve on the taskforce: prosecutor's office of each county;  
36          police department of each county; public defender's office;  
37          Hawaiian Humane Society; Hawaii Island Humane Society; Kauai  
38          Humane Society; Maui Humane Society; The Humane Society of the  
39          United States, Hawaii Chapter; and Animal Advocates, Inc.; and  
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41           BE IT FURTHER RESOLVED that the task force is requested to  
42          submit a report of its findings and recommendations to this body  
43          no later than twenty days prior to the convening of the 2010  
44          Regular Session; and



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BE IT FURTHER RESOLVED that the task force is requested to include in its report:

- (1) A recommendation for comprehensive legislation relating to restraint and confinement standards for pet animals;
- (2) Issues with and solutions for the enforcement of the recommended legislation;
- (3) Suggested amendments to the definition of "necessary sustenance" as it relates to "area of confinement" or any additional definitions, as appropriate, in section 711-1100, Hawaii Revised Statutes; and
- (4) Any dissenting opinions among task force members to the recommended legislation; and

BE IT FURTHER RESOLVED that the Judiciary Center for Dispute Resolution is requested to provide administrative assistance to the task force; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor; the Prosecutor of each county; the Chief of Police of each county; the Public Defender; the President of the following entities: Hawaiian Human Society; Hawaii Island Humane Society; Kauai Humane Society; and Maui Humane Society; and Animal Advocates, Inc.

OFFERED BY:

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