
SENATE RESOLUTION

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

8
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

23
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

27
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
14

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;
25

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;
31

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
27 No. 488, and Senate Bill No. 1188; and
28

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; Animal Advocates, Inc.; West
40 Hawaii Humane Society; Animal Rights Hawaii; and Oahu Society
41 for the Prevention of Cruelty to Animals; and
42

43 BE IT FURTHER RESOLVED that the task force is requested to
44 submit a report of its findings and recommendations to this body

1 no later than twenty days prior to the convening of the 2010
2 Regular Session; and

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

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- 7 (1) A recommendation for comprehensive legislation
8 relating to restraint and confinement standards for
9 pet animals;
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 - 11 (2) Issues with and solutions for the enforcement of the
12 recommended legislation;
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 - 14 (3) Suggested amendments to the definition of "necessary
15 sustenance" as it relates to "area of confinement" or
16 any additional definitions, as appropriate, in section
17 711-1100, Hawaii Revised Statutes; and
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 - 19 (4) Any dissenting opinions among task force members to
20 the recommended legislation; and

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22 BE IT FURTHER RESOLVED that the Judiciary is requested to
23 provide administrative assistance to the task force; and

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25 BE IT FURTHER RESOLVED that certified copies of this
26 Resolution be transmitted to the Governor; the Administrative
27 Director of the Courts; the Prosecutor of each county; the Chief
28 of Police of each county; the Public Defender; the President of
29 the following entities: Hawaiian Humane Society; Hawaii Island
30 Humane Society; Kauai Humane Society; and Maui Humane Society;
31 Animal Advocates, Inc.; West Hawaii Humane Society; Oahu Society
32 for the Prevention of Cruelty to Animals; and Animal Rights
33 Hawaii.