

Honolulu, Hawaii

MAR 05 2009

RE: S.B. No. 1086
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 1086 entitled:

"A BILL FOR AN ACT RELATING TO PET ANIMALS,"

begs leave to report as follows:

The purpose of this measure is to allow a family court judge to issue an ex parte temporary restraining order without notice to:

- (1) Grant exclusive care of a pet animal to a party; and
- (2) Restrain the noncustodial party of a pet animal from visiting, taking, concealing, threatening, physically abusing, or disposing of the pet animal.

Your Committee received testimony in support of this measure from the Honolulu Prosecuting Attorney; Humane Society of the United States; Hawaiian Humane Society; Kauai Humane Society; American Humane Association; Animal Rights Hawai'i; Women Helping Women-West Maui; Maui Family Support Services; Rainbow Friends Animal Sanctuary; American Bouvier Rescue League; West Hawaii Humane Society; Hawaii Cat Foundation; Hawaii Dog Foundation; Maui Humane Society; and seventeen individuals. Copies of written testimony are available for review on the Legislature's website.

Your Committee finds that pet animals have become an object of contention between parties in family court proceedings for annulment, divorce, or separation. The intent of this measure is



to allow a restraining order to grant custody of the pet animal to one party and to restrain the other party from taking, hurting, or disposing of the animal.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050 to continue the discussion on this matter;
- (2) Moving the definition of "pet animal" to the definitions section of chapter 586, Hawaii Revised Statutes; and
- (3) Making technical, nonsubstantive amendments.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1086, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1086, 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
Government Operations,

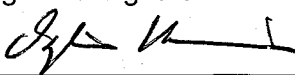


BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:* SB 1086	Committee Referral: JGO	Date: 2/13/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert				✓
GABBARD, Mike				✓
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	4	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes