

Honolulu, Hawaii

MAR 06 2009

RE: S.B. No. 763
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. 763 entitled:

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

begs leave to report as follows:

The purpose of this measure is to establish a criminal offense of dog fighting, a class C felony, applicable if a person causes, sponsors, arranges, holds, or encourages a fight between dogs for the purpose of financial gain or entertainment.

This measure also repeals the existing law on dogfighting.

Your Committee received several testimonies in support of this measure and one in opposition. Written testimony presented to the Committee may be reviewed on the Legislature's website.

According to testimony of The Humane Society of the United States, in a national ranking of dogfighting laws in the states and the District of Columbia, Hawaii ranked fiftieth in part because it is only one of two states having no penalties for attending or wagering on an organized dogfight.

Your Committee finds that under current law, an offender would need to be literally caught in the act of conducting a dogfight, which is extremely rare due to the clandestine nature of such activity. Thus, even persons attending a dogfight as spectators face no penalties. Additionally, dogfighting is a fertile forum for illegal gambling.



Your Committee further finds that the injuries inflicted and sustained by dogs participating in dogfights are severe and mortal in many instances, resulting from blood loss, shock, dehydration, exhaustion, or infection from wounds.

Your Committee has amended this measure by:

- (1) Deleting the new statutory enactment relating to the offense of dogfighting;
- (2) Defining "dogfight" as a gathering or exhibition for the purpose of having a fight between one dog and another dog, or having one dog injure another dog; and
- (3) Amending the current law on cruelty to animals by dogfighting to provide for cruelty to animals by fighting dogs. As amended, this measure prohibits a person from:
 - (A) Causing, sponsoring, arranging, or holding a fight between dogs;
 - (B) Wagering on or paying admission to a dogfight, which constitutes a misdemeanor offense;
 - (C) Owning, training, transporting, possessing, breeding, selling, transferring, or equipping any dog for a dogfight;
 - (D) Allowing a dogfight to occur on property owned or controlled by the person;
 - (E) Allowing any dog intended by the person to be used for a dogfight to be kept, boarded, housed, trained, or transported, on any property owned or controlled by the person;
 - (F) Using any means of communication for the promotion of a dogfight; or
 - (G) Possessing any device intended to enhance the dog's fighting ability with the intent that the device be used to train or prepare the dog to fight.



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. 763, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 763, 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



