



**Office of the Public Defender  
State of Hawaii**



**Timothy Ho, Chief Deputy Public Defender  
Testimony of the Office of the Public Defender,  
State of Hawaii to the Senate Committee on Judiciary and Government Operations**

March 20, 2009 9:30 a.m.

RE: H.B. 730, HD1: Relating To Cruelty to Animals

Chair Taniguchi and Members of the Committee:

This measure would repeal the current dog fighting statute and replace it with a new, more comprehensive dog fighting law. Dog fighting is not a problem in the State of Hawaii. No one has been prosecuted under our current dog fighting law. There is no demonstrated need to rewrite our current dog fighting statute. The Office of the Public Defender opposes H.B. 730, HD1.

We also oppose the imposition of mandatory jail in this measure. Anyone convicted of a second or subsequent offense would be subject to five years imprisonment or probation with a mandatory thirty day jail sentence. The progressive sentencing scheme would prohibit even a first-time offender from obtaining a deferred acceptance of guilty or no contest plea. If this measure passes, the only way for a court to grant a deferral would be to include specific language within the dog fighting law.

We oppose H.B 730, HD1. Thank you for the opportunity to comment on this bill.



**THE HUMANE SOCIETY**  
OF THE UNITED STATES

**Senate Committee on Judiciary and Government Operations**  
**Honorable Chair Brian Taniguchi, Vice-Chair Dwight Takamine**  
**March 20, 2009**  
**9:30am**

**Submitted by: Inga Gibson, Hawaii State Director**  
**The Humane Society of the United States**  
**In Support of H.B. 730 HD 1; Related to dogfighting**

Dear Honorable Chair Taniguchi,

On behalf of our 47,704 members and supporters of the Humane Society of the United States in Hawaii, thank you for this opportunity to speak in favor of H.B. 730 HD 1; relating to dogfighting and for your previous support of S.B. 763 SD 1; related to dogfighting. **We respectfully urge your passage of HB 730 HD 1, with an amended effective date to take effect upon its approval.**

The 2007 Michael Vick case sadly exposed that no community is immune from dogfighting. Tough dogfighting laws, such as the proposed, are what allowed Vick and his co-conspirators to be successfully charged and convicted. There are an estimated 40,000 people involved in dogfighting nationwide. Our organization has assisted in hundreds of animal fighting raids across the country and we are aware of numerous dogfighting suspects across Hawaii that sadly, have been active for many years.

In a recent national ranking of dogfighting laws in the states and the District of Columbia, Hawaii ranked 50<sup>th</sup> in part because it is one of only two states with no penalties for paying admission or wagering on an organized dogfight or for breeding, selling or possessing dogs with the intent to fight. This bill would also include those who use stray or stolen pets as "bait" to train dogs to fight.

**Need for more comprehensive language:**

Due to the clandestine nature of such activity, is extremely rare for law enforcement to catch a dogfight in progress. Even if law enforcement were to encounter a dogfight in progress, under current law only those who actually own or fight the dogs may be held accountable. The money generated by admission fees and gambling helps keep this "sport" alive. Because dogfights are illegal and therefore not widely publicized, attendees do not merely happen upon a fight; they seek it out. They are willing participants who support a criminal activity through their paid admission, wagering and attendance.

There are also many components to illegal dogfighting aside from the people who actually fight the dogs. This criminal industry is supported by people who specialize in the promoting, breeding, training, "handling" and refereeing of dogfighting matches. Most often the trainers, breeders, "handlers" and promoters are not the owner of the dogs, as was the case with Michael Vick.

**Public Safety Issue:**

Dogs used for fighting have been bred for many generations to be dangerously aggressive toward other animals. The presence of these dogs in a community increases the risk of attacks not only on other animals but also on people. Children are especially at risk, because their small size may cause a fighting dog to perceive a child as another animal.

**Associated Crimes:**

Dogfighting is also associated with other crimes such as illegal gambling, drug distribution and human violence. According to a study conducted by the Chicago Police Department, of more than 300 people arrested for crimes against animals (including dogfighting), more than 65 percent had also been arrested for battery-related violent crimes and 70 percent for illegal drugs.

**Cruelty to dogs and “bait” animals**

The injuries inflicted and sustained by dogs participating in dogfights are frequently severe, even fatal. Dogs used in these “events” often die of blood loss, shock, dehydration, exhaustion, or infection hours or even days after the fight. Other animals are often sacrificed as well. Some owners train their dogs for fights using smaller animals such as cats, rabbits or small dogs. These "bait" animals are often stolen or stray pets or animals obtained through "free to good home" advertisements.

**We respectfully urge your passage of HB 730 HD 1, with an amended effective date to take effect upon its approval.**

Please contact me at 808-922-9910 or [igibson@humanesociety.org](mailto:igibson@humanesociety.org) for additional information.

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**From:** Kawehi Yim [kyim@hawaiianhumane.org]  
**Sent:** Thursday, March 19, 2009 4:33 PM  
**To:** JGO Testimony  
**Subject:** HB730 H.D.1 -- RELATING TO CRUELTY TO ANIMALS

HB730 H.D.1 - RELATING TO CRUELTY TO ANIMALS  
COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Kawehi Yim  
Community Relations Director  
HAWAIIAN HUMANE SOCIETY

Position: SUPPORT HB730 H.D.1

Dear Chair Taniguchi and Members of the Committee,

The Hawaiian Humane Society supports HB 730 H.D.1 which repeals the existing prohibition against dog fighting and enacts more comprehensive prohibitions against this barbaric bloodsport and provides for enhanced penalties.

We also ask that the Legislature apply these comprehensive prohibitions and enhanced penalties to cockfighting as well, especially when you consider that cockfighting is much more prevalent throughout our entire community.

We support HB730 H.D.1 and ask that this legislative body support and pass HB730 H.D.1.

Sincerely,

Kawehi Yim  
Community Relations Director  
Hawaiian Humane Society  
2700 Waialae Avenue  
Honolulu, HI 96826

Phone: 808.356.2212

E-Mail: [kyim@hawaiianhumane.org](mailto:kyim@hawaiianhumane.org)

*When it comes to giving, go local. On Oahu, Hawaiian Humane Society is the only animal welfare organization that shelters, rescues, adopts and welcomes all animals – all day and every day. 100% of your gift stays in the islands for the benefit of Hawaii's animals and people.*

[www.hawaiianhumane.org](http://www.hawaiianhumane.org)

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**From:** Joel Fischer [jfischer@hawaii.edu]  
**Sent:** Wednesday, March 18, 2009 3:47 PM  
**To:** JGO Testimony  
**Subject:** HB730;JGO;3/20/09;9:30AM;Rm016

**Importance:** High

HB730, Relating to *Cruelty*  
JGO; Chair, Sen Taniguchi

**PLEASE, PLEASE PASS THIS BILL!**

The title of this bill says it all: This is a bill about *animal cruelty*. It is very important to re-address our laws when they may not be as effective as we want them to be. So, I am very grateful to you for introducing this bill.

There are no reasons these beautiful, sensitive, loving creatures should ever be raised to maim and kill each other for the entertainment of insensitive humans. Thank god we are not back in the days of the ancient Romans who enjoyed this kind of brutal, cruel and inhumane activity.

Thank you for hearing this bill and passing it.

Aloha, joel

Dr. Joel Fischer, ACSW  
President, 19-3, Democratic Party

Professor  
University of Hawai'i, School of Social Work  
Henke Hall  
Honolulu, HI 96822

"It is reasonable that everyone who asks justice should DO justice."  
Thomas Jefferson

"There comes a time when one must take a position that is neither safe, nor politic, nor popular, but one must take it because one's conscience tells one that it is right."  
Dr. Martin Luther King, Jr.

"Never, never, never quit."  
Winston Churchill

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**From:** Rosemary Karlsson [rosemarykarlsson@gmail.com]  
**Sent:** Wednesday, March 18, 2009 7:09 PM  
**To:** JGO Testimony  
**Subject:** support HB 730 and HB 1512

Please support both these bills. They are important in reducing animal, and human, abuse.

Rosemary Karlsson  
PO Box 492266  
Keaau, HI 96749

H.B. 730 HD 1; Related to Dogfighting;

In a recent national ranking of dogfighting laws, Hawaii ranked 50th in part because it is one of only two states with no penalties for paying admission or wagering on an organized dogfight or for breeding, selling or possessing dogs with the intent to fight. This bill would also prohibit the use of stray or stolen pets as "bait" to train dogs to fight. In addition, dogfighting is associated with other crimes such as illegal gambling, drug distribution and human violence. Please support HB 730 to reduce cruelty, crime and protect pets and public safety

H.B. 1512 HD 1; Pet Protective Orders: Pets are considered members of the family, but if the family is experiencing violence they can become targets as well. Pets are often an important source of comfort and stability to the victims of abuse, particularly children. But sadly, abusive family members may threaten, injure, or kill pets, often as a way of threatening or controlling others in the family. Please support H.B.1512 to reduce violence against families and pets.

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**From:** Madelyn Barrea [madb1@hawaiiantel.net]  
**Sent:** Wednesday, March 18, 2009 9:05 PM  
**To:** JGO Testimony  
**Subject:** H.B. 730 HD 1; Related to Dog Fighting; H.B. 1512 HD 1; Pet Protective Orders

**To: Honorable Chair Brian Taniguchi**

**Vice-Chair Dwight Takamine**

**Senate Committee on Judiciary and Government Operations**

**March 20, 2009, 9:30am, Room 016**

**I would like to go on record as being in support of H.B. 730 HD1; Related to Dog Fighting:**

By nature dogs are social animals. In the wild, they live together, hunt together, sleep together and play together. They might fight over territory or to protect their young, but they do not fight for the 'fun' of it.

Unbelievable cruelty is involved in dog fighting. Dogs are tortured to make them aggressive. Kittens and puppies are used as "bait" to teach dogs to kill. Illegal drugs and weapons are common at dogfights and they promote illegal gambling.

Dogs used for fighting usually live in horrific conditions, at the end of chains or in small cages all of their lives. Often their wounds and injuries go untreated, only to become infected and cause the animal a very tortured and painful death.

Dogs are living creatures with feelings. They feel pain and loneliness and yet give unconditional love. They should be treated the way you would like to be treated, with respect and kindness.

Anyone who uses a dog in such a manner should never again be allowed to own one.

**I would also like to go on record as being in support of H.B. 1512 HD 1; Pet Protective Orders:**

When there is violence in a home, often pets are victims of the violence also. The abuser uses the pet to manipulate their victims by threatening to harm their beloved pets, often by harming or killing the pets right in front of the victim. Abusers have injured, maimed and killed pets to make children submit to sexual crimes.

We must put these laws in place to give our officers the tools to convict these perpetrators of these heinous crimes.

**Please support HB 730 HD 1 and H.B. 1512 HD 1 to reduce cruelty and crime, to increase public safety and**

**to protect all pets.**

**Thank you,**

**Madelyn R. Barrea**

**Executive Director**

**West Hawaii Humane Society**



LEGISLATIVE TESTIMONY

HB 730 HD 1  
RELATING TO CRUELTY TO ANIMALS

SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

March 20, 2009, 9:30 a.m., Room 016

Aloha, Chairperson Taniguchi, Vice Chairperson Takamine and Committee Members.

I am Denise Okuhara. I strongly support House Bill 730, House Draft 1.

I also strongly support changing the effective date from January 1, 2046 to 'upon its approval'. Please support House Bill 730 with this change.

Thank you for the opportunity to testify.

Denise Okuhara

LEGISLATIVE TESTIMONY

HB 730 HD 1  
RELATING TO CRUELTY TO ANIMALS

SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

March 20, 2009, 9:30 a.m., Room 016

Aloha, Chairperson Taniguchi, Vice Chairperson Takamine and Committee Members.

I am Jennifer Chiwa. I strongly support House Bill 730, House Draft 1 which strengthens the existing law against cruelty to animals by including (1) paying admission or wagering on an organized dogfight, (2) breeding, selling or possessing dogs with the intent to fight and (3) using stray or stolen pets as bait to train dogs to fight. I also strongly support changing the effective date from January 1, 2046 to 'upon its approval'.

The acts mentioned in this testimony are clearly heinous and need no further time for discussion. Please support House Bill 730 with this change. Thank you for the opportunity to testify.

Jennifer Chiwa