

JAN 28 2009

A BILL FOR AN ACT

RELATING TO DANGEROUS DOGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Act 222, Session Laws of Hawaii 2001,
2 authorized counties to enact and enforce ordinances relating to
3 the owning, harboring, or keeping of dogs with a history of
4 biting. Nevertheless, there have been reports throughout the
5 State of dangerous dogs freely roaming the streets and attacking
6 innocent children and adults. The legislature finds that in
7 order to address this problem it is necessary to strengthen Act
8 222 by amending the law to prohibit freely-roaming dangerous
9 dogs.

10 The purpose of this Act is to strengthen state law relating
11 to dangerous dogs freely roaming the streets.

12 SECTION 2. Chapter 142, Hawaii Revised Statutes, is
13 amended by adding a new part to be appropriately designated and
14 to read as follows:

15 **"PART . DANGEROUS DOGS**

16 **§142- Definitions.** Whenever used in this part, unless a
17 different meaning clearly appears from the context:



1 "Dangerous dog" means any dog that without provocation,
2 attacks a person or animal or behaves in a manner that a
3 reasonable person would believe poses an imminent threat of
4 bodily injury to one or more persons or serious injury or death
5 to a domestic animal.

6 §142- Dangerous dogs; freely roaming. It is unlawful
7 for the owner of a dangerous dog to permit it to freely roam
8 outside of the owner's property without the owner's supervision.

9 §142- Dangerous dogs complaints. (a) Complaints
10 regarding dangerous dogs shall be made immediately to the
11 officer or animal control contractor responsible for handling
12 animal complaints. A picture of the dangerous dog reported to
13 be roaming freely is sufficient justification for the officer or
14 animal control contractor to remove the dog.

- 15 (b) The officer or animal control contractor shall:
- 16 (1) Investigate complaints of dangerous dogs roaming the
17 streets unsupervised by their owners;
 - 18 (2) Notify the owner of the dangerous dog of the
19 complaint; and
 - 20 (3) Remind the owner of the dangerous dog that the dog
21 must be on a leash and supervised at all times while
22 in public.



1 (c) If a dangerous dog is caught by an officer or animal
2 control contractor, the dog shall be held at the nearest animal
3 shelter until the owner claims the dog and pays a \$100
4 processing fee.

5 (d) If the dog has bitten a person or domestic animal and
6 causes injuries that require medical attention, the officer
7 shall issue a summons or citation to the owner of the dog.

8 (e) Medical facilities shall be required to notify an
9 officer or animal control contractor when a person is treated
10 for injuries caused by a dog.

11 **§142- Dangerous dogs roaming after citation or summons.**

12 A dog that has been picked up while roaming freely in public and
13 whose owner has been previously issued a citation or summons,
14 shall be held until a court hearing, unless the court directs
15 otherwise.

16 **§142- Dogs deemed dangerous by the court.** (a) The
17 owner of a dog that is deemed dangerous by the court shall be
18 required to keep the dog on a three-foot leash, cord, chain or
19 other similar means of physical restraint while in public.

20 (b) The court shall require that the owner obtain
21 microchip identification for the dog within ten days of a court
22 determination that the dog is dangerous.



1 **§142- Penalty.** (a) If a dangerous dog is caught freely
 2 roaming in public, the owner shall be guilty of a misdemeanor,
 3 shall be fined \$2,000, and shall be placed on probation for six
 4 months. The dangerous dog shall also be destroyed.

5 (b) If a dangerous dog bites a person causing injury
 6 requiring medical treatment, the owner shall be guilty of a
 7 class C felony, shall be sentenced to a mandatory minimum term
 8 of imprisonment of one year, and shall be fined \$5,000. The
 9 dangerous dog shall also be destroyed.

10 **§142- Liability insurance for dangerous dogs.** If an
 11 owner of a dangerous dog is convicted for a violation under this
 12 part, the owner shall be required to obtain liability insurance
 13 of not less than \$100,000, or destroy the dangerous dog.

14 **§142- Leash liability.** The owner of the unleashed dog
 15 shall be held strictly liable for any injuries or damages caused
 16 by the unleashed dog."

17 SECTION 3. This Act does not affect rights and duties that
 18 matured, penalties that were incurred, and proceedings that were
 19 begun, before its effective date.

20 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Dangerous Dogs; Owner Responsibility; Penalties

Description:

Prohibits the owner of a dangerous dog from allowing the dog to roam freely without supervision. Authorizes an animal control officer to investigate complaints regarding dangerous dogs, to pick up freely roaming dangerous dogs, and to issue citations. Establishes penalties for owners who fail to adequately supervise dangerous dogs. Requires owners of dangerous dogs to obtain liability insurance if the dog is found to be inadequately supervised.

