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## A BILL FOR AN ACT

RELATING TO CRUELTY TO ANIMALS.

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

1           SECTION 1. The purpose of this Act is to recognize that  
2 chaining, tethering, or otherwise tying an animal to a  
3 stationary object under certain conditions is inhumane by  
4 establishing certain types of animal restraint as an offense of  
5 cruelty to animals in the second degree.

6           SECTION 2. Section 711-1109, Hawaii Revised Statutes, is  
7 amended by amending subsection (1) to read as follows:

8           "(1) A person commits the offense of cruelty to animals in  
9 the second degree if the person intentionally, knowingly, or  
10 recklessly:

11           (a) Overdrives, overloads, tortures, torments, beats,  
12 causes substantial bodily injury, or starves any  
13 animal, or causes the overdriving, overloading,  
14 torture, torment, beating, or starving of any animal,  
15 or deprives a pet animal of necessary sustenance or  
16 causes such deprivation;

17           (b) Mutilates, poisons, or kills without need any animal  
18 other than insects, vermin, or other pests;



1 (c) Keeps, uses, or in any way is connected with or  
2 interested in the management of, or receives money for  
3 the admission of any person to, any place kept or used  
4 for the purpose of fighting or baiting any bull, bear,  
5 cock, or other animal, and every person who  
6 encourages, aids, or assists therein, or who permits  
7 or suffers any place to be so kept or used;

8 (d) Carries or causes to be carried, in or upon any  
9 vehicle or other conveyance, any animal in a cruel or  
10 inhumane manner; [~~e~~]

11 (e) Kills, has another person kill, or enables a person to  
12 kill a pet or companion animal to make use of it for  
13 food; or possess, imports into, or exports from, the  
14 state, sells, buys, gives away, or accepts any carcass  
15 of any pet or companion animal with the intent to use  
16 any part of it or have any other person use any part  
17 of it as food. This paragraph shall not be construed  
18 to interfere with any agricultural commodity produced  
19 in Hawaii or the lawful killing of game mammals with a  
20 valid license under section 183D-21.

21 As used in this paragraph:



1                   "Companion animal" means any animal of any  
2                   species or breed that is actually a companion for a  
3                   person; and

4                   "Pet" includes any animal of a species or breed  
5                   that is traditionally kept as a pet such as dogs,  
6                   cats, parakeets, and pot belly pigs;  
7                   or

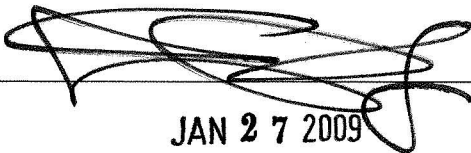
8    ~~(e)~~ (f) Assists another in the commission of any act specified  
9                   in ~~[subsections]~~ subsection (1)(a) through ~~[(1)(d)].~~  
10                   (e)."

11           SECTION 3. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

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

14

INTRODUCED BY:

 B/R  
JAN 27 2009



**Report Title:**

Cruelty to Animals; Second Degree

**Description:**

Establishes certain types of animal restraint as an offense of cruelty to animals in the second degree.

