

JAN 23 2009

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# A BILL FOR AN ACT

RELATING TO ANIMAL CRUELTY.

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

1           SECTION 1. The legislature finds that tethering,  
2 fastening, chaining, tying, or restraining a companion animal is  
3 inhumane and an offense against the public order. The purpose  
4 of this Act is to protect animals by prohibiting tethering and  
5 other inhumane means of restraining animals.

6           SECTION 2. Section 711-1109, Hawaii Revised Statutes, is  
7 amended to read as follows:

8           "**§711-1109 Cruelty to animals in the second degree.** (1)

9 A person commits the offense of cruelty to animals in the second  
10 degree if the person intentionally, knowingly, or 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; [~~or~~]

11 (e) Tethers, fastens, chains, ties, or otherwise restrains  
12 any companion animal:

13 (i) For longer than is necessary to complete a  
14 temporary task that requires the animal to be  
15 tethered or restrained for a reasonable period of  
16 time;

17 (ii) For any amount of time in which actual harm  
18 occurs to the animal and the harm is caused by  
19 the tether, fastener, chain, tie, or restraint;  
20 or

21 (iii) In a manner that endangers the animal's health,  
22 safety, or well-being, or inflicts emotional



1 suffering upon the animal, including, but not  
2 limited to:

3 (A) Use of a tether, fastener, chain, tie,  
4 leash, rope, or restraint, that could cause  
5 the animal to choke;

6 (B) Any type of restraint that is less than four  
7 times the length of the animal, or is of  
8 inadequate length as to fail to provide the  
9 animal with access to water, the ability to  
10 obtain shelter from oppressive weather  
11 conditions including excessive heat, or a  
12 sufficient and separate area where it may  
13 urinate and defecate away from where it  
14 eats, drinks, or rests.

15 [~~(e)~~] (f) Assists another in the commission of any act  
16 specified in subsections (1)(a) through [~~(1)(d)~~].  
17 (1)(e).

18 (2) Subsection (1)(a), (b), (d), and [~~(e)~~] (f), shall not  
19 apply to:

20 (a) Accepted veterinary practices;



1 (b) Activities carried on for scientific research governed  
2 by standards of accepted educational or medicinal  
3 practices; or

4 (c) Pest control operations conducted pursuant to chapter  
5 149A by a pest control operator licensed pursuant to  
6 chapter 460J, if the pest control is performed under a  
7 written contract.

8 (3) Subsection (1)(e) shall not prohibit the use of any  
9 restraint:

10 (a) Pursuant to the requirements of a camping or  
11 recreational area;

12 (b) To contain an animal that has demonstrated it is a  
13 danger to humans; or

14 (c) That uses a pulley, running line, or trolley system  
15 that does not employ a choke collar.

16 [~~3~~] (4) Whenever any animal is so severely injured that  
17 there is no reasonable probability that its life or usefulness  
18 can be saved, the animal may be immediately destroyed without  
19 creating any offense under this section.

20 (5) As used in this section "companion animal" means any  
21 animal that is commonly kept as a pet, including but not limited  
22 to dogs and cats.



# S.B. NO. 488

1            [~~(4)~~] (6) Cruelty to animals in the second degree is a  
2 misdemeanor."

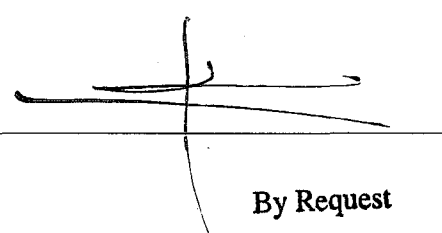
3            SECTION 3. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun, before its effective date.

6            SECTION 4. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8            SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_

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**By Request**



**Report Title:**

Cruelty to Animals; Tethering

**Description:**

Prohibits the tethering or restraining of companion animals unless certain circumstances exist.

