

JAN 23 2009

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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. Chapter 711, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§711-       Dog fighting. (1) A person commits the offense  
5 of dog fighting if the person causes, sponsors, arranges, holds,  
6 or encourages a fight between dogs for the purpose of financial  
7 gain or entertainment, including:

- 8           (a) Knowingly wagering on a dog fight;  
9           (b) Owning, training, transporting, possessing, breeding,  
10           selling, transferring, or equipping a dog with the  
11           intent that the dog will be engaged in a fight;  
12           (c) Knowingly allowing a dog fight to occur on any  
13           property owned or controlled by the person;  
14           (d) Knowingly allowing any dog intended by the person to  
15           be used for a fight to be kept, boarded, housed,  
16           trained on, or transported in, any property owned or  
17           controlled by the person;



1       (e) Knowingly using any means of communication for the  
2       promotion of dog fighting; or

3       (f) Knowingly possessing any dog intended by the person to  
4       be used for a fight or any device intended to enhance  
5       the animal's fighting ability. As used in this  
6       paragraph, "device" means both animate and inanimate  
7       objects and includes live animals used as bait  
8       animals.

9       (2) Nothing in this section shall prohibit any of the  
10      following:

11      (a) The use of dogs in the management of livestock by the  
12      owner of the livestock, the owner's employees or  
13      agents, or other persons in lawful custody thereof;

14      (b) The use of dogs in hunting wildlife, including game;  
15      or

16      (c) The training of dogs or the use of equipment in the  
17      training of dogs for any purpose not prohibited by  
18      law.

19      (3) Dog fighting is a class C felony. Any person  
20      committing a second or subsequent offense under this section  
21      shall be sentenced to:



1        (a) An indeterminate term of imprisonment of five years,  
2                pursuant to section 706-660; or

3        (b) Five years probation, with conditions to include a  
4                term of imprisonment of no fewer than thirty days  
5                without possibility of suspension of sentence.

6        (4) If there is any conflict between this section and  
7                sections 711-1108.5, 711-1109, or any other provision of law,  
8                this section shall control."

9                SECTION 2. Section 711-1109.3, Hawaii Revised Statutes, is  
10        repealed.

11                [~~§711-1109.3 Cruelty to animals; fighting dogs.~~ (1) A  
12        ~~person commits the offense of cruelty to animals if the person:~~

13                ~~(a) Owns or trains any dog with the intent that such dog~~  
14                ~~shall be engaged in an exhibition of fighting with~~  
15                ~~another dog;~~

16                ~~(b) For amusement or gain, intentionally causes any dog to~~  
17                ~~fight with another dog, or causes any dog to injure~~  
18                ~~another dog; or~~

19                ~~(c) Knowingly or recklessly permits any act in violation~~  
20                ~~of paragraph (a) or (b) to be done on the premises~~  
21                ~~under the person's charge or control, or aids or abets~~  
22                ~~any such act.~~



1       ~~(2) Nothing in this section shall prohibit any of the~~  
2 ~~following:~~

3       ~~(a) The use of dogs in the management of livestock by the~~  
4       ~~owner of the livestock or the owner's employees or~~  
5       ~~agents or other persons in lawful custody thereof;~~

6       ~~(b) The use of dogs in hunting wildlife including game; or~~

7       ~~(c) The training of dogs or the use of equipment in the~~  
8       ~~training of dogs for any purpose not prohibited by~~  
9       ~~law.~~

10       ~~(3) Violation of this section shall be a class C felony.~~

11       ~~(4) If there is any conflict between this section and~~  
12 ~~section 711-1109, or any other provision of law, this section~~  
13 ~~shall apply." ]~~

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

17       SECTION 4. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19       SECTION 5. This Act shall take effect on January 1, 2010.

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INTRODUCED BY: *Therese Chun Oakland*



**Report Title:**

Crimes; Dog Fighting

**Description:**

Repeals existing prohibition against dog fighting and enacts more comprehensive prohibition of dog fighting and related conduct. Provides enhanced penalties.

