

JAN 23 2009

A BILL FOR AN ACT

RELATING TO DOGS.

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- Pit bulls. (1) A person commits the offense of
5 owning, possessing, or selling a pit bull if the person owns,
6 possesses, keeps, exercises control over, maintain, harbors,
7 transports, or sells in this State any pit bull.

8 (2) Owning, possessing, or selling a pit bull is a
9 misdemeanor.

10 (3) Impoundment and forfeiture of the pit bull pursuant to
11 sections 711-1109.1 and 711-1109.2 shall apply to this section.

12 (4) As used in this section, "pit bull" means any dog that
13 is an American pit bull terrier, American staffordshire terrier,
14 a staffordshire bull terrier, or any dog displaying the majority
15 of physical traits of any one or more of those breeds, or any
16 dog exhibiting those distinguishing characteristics which
17 substantially conform to the standards established by the



1 American Kennel Club or United Kennel Club for any of those
2 breeds. A duly incorporated humane society or a duly
3 incorporated society for the prevention of cruelty to animals
4 shall maintain a copy of the applicable standards.

5 (5) For the purposes of this section, "person" shall not
6 include a duly incorporated humane society."

7 SECTION 2. Section 711-1109.1, Hawaii Revised Statutes, is
8 amended by amending subsection (1) to read as follows:

9 "(1) If there is probable cause to believe that a pet
10 animal is being subjected to treatment in violation of section
11 711-1108.5, 711-1109, 711-1109.3, ~~or~~ 711-1109.6, or 711-_____, a
12 law enforcement officer, after obtaining a search warrant or in
13 any other manner authorized by law, may enter the premises where
14 the pet animal is located to provide the pet animal with food,
15 water, and emergency medical treatment or to impound the pet
16 animal. If after reasonable effort, the owner or person having
17 custody of the pet animal cannot be found and notified of the
18 impoundment, an impoundment notice shall be conspicuously posted
19 on the premises and within seventy-two hours after posting, the
20 notice shall be sent by certified mail to the address, if any,
21 from which the pet animal was removed."



1 SECTION 3. Section 711-1109.2, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) If any pet animal is impounded pursuant to section
4 711-1109.1, prior to final disposition of the criminal charge
5 under section 711-1108.5, 711-1109, 711-1109.3, ~~[or]~~ 711-1109.6,
6 or 711-_____, against the pet animal's owner, any duly
7 incorporated humane society or duly incorporated society for the
8 prevention of cruelty to animals that is holding the pet animal
9 may file a petition in the criminal action requesting that the
10 court issue an order for forfeiture of the pet animal to the
11 county or to the duly incorporated humane society or duly
12 incorporated society for the prevention of cruelty to animals
13 prior to final disposition of the criminal charge. The
14 petitioner shall serve a true copy of the petition upon the
15 defendant and the prosecuting attorney."

16 SECTION 4. This Act shall not be repealed upon the repeal
17 of the amendments to sections 711-1109.1 and 711-1109.2, Hawaii
18 Revised Statutes, pursuant to Act 128, Session Laws of Hawaii
19 2008. Any reenactment of sections 711-1109.1 and 711-1109.2,
20 Hawaii Revised Statutes, on June 30, 2011, shall include the
21 amendments under this Act to sections 711-1109.1 and 711-1109.2,
22 Hawaii Revised Statutes.



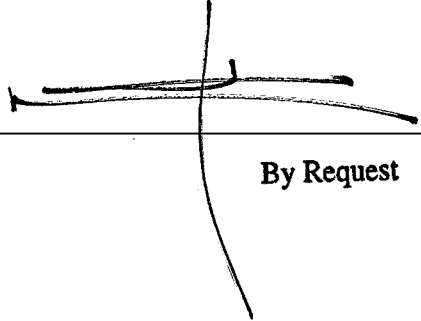
S.B. NO. 79

1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:



By Request



Report Title:

Pit Bulls

Description:

Prohibits ownership, possession, or sale of pit bulls. Provides for misdemeanor offense. Authorizes impoundment and forfeiture.

