

STAND. COM. REP. NO. 499

Honolulu, Hawaii

MAR 05 2009

RE: S.B. No. 1194
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 1194 entitled:

"A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER,"

begs leave to report as follows:

The purpose of this measure is to provide that it is unlawful for any person to manufacture, buy, sell, barter, exchange, or have in the person's possession any of the implements commonly known as gaffs or slashers, or any other sharp instrument designed to be attached in place of or to the natural spur of a gamecock or other fighting fowl.

This measure also provides for a tiered system of progressively more serious penalties for repeat offenders.

Your Committee received testimony in support of this measure from the Honolulu Prosecuting Attorney; Honolulu Police Department; Humane Society of the United States; Hawaiian Humane Society; Kauai Humane Society; Animal Rights Hawai'i; West Hawaii Humane Society; Maui Humane Society; and five individuals. Testimony in opposition was received from the Office of the Public Defender and four individuals. Copies of written testimony are available for review on the Legislature's website.

Your Committee finds that this measure is in furtherance of existing law prohibiting cock fighting as cruelty to animals. Testimony indicated that gaffs and slashers have no other use than

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for infliction of severe injury upon a cockfighting chicken. A similar federal law, the Animal Welfare Act, applies to the sale, purchase, transport, or delivery of gaffs in interstate and foreign commerce. However, the federal law does not apply when the interstate and foreign commerce element cannot be established.

Your Committee has amended this measure by changing the effective date to July 1, 2050 to continue discussions in this matter, and by making technical, nonsubstantive amendments.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1194, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1194, S.D. 1, and be placed on the calendar for Third Reading.

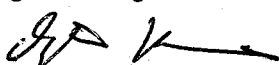
Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,


BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:* SB 1194	Committee Referral: JGO	Date: 2/13/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)		✓		
BUNDA, Robert				✓
GABBARD, Mike				✓
NISHIHARA, Clarence K.		✓		
SLOM, Sam	✓			
TOTAL	2	2	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes