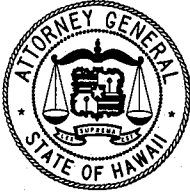


**HB2724,**

**HD1**



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-FIFTH LEGISLATURE, 2010**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 2724, H.D. 1, RELATING TO OFFENSES AGAINST PUBLIC ORDER.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

**DATE:** Friday, March 12, 2010                      **TIME:** 9:30 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** WRITTEN TESTIMONY ONLY. For more information, call  
Lance M. Goto, Deputy Attorney General, at 586-1160.

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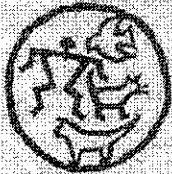
Chair Taniguchi and Members of the Committee:

The Department of the Attorney General provides the following comments regarding this bill.

The purpose of this bill is to further define the offense of animal cruelty under section 711-1109, Hawaii Revised Statutes, as it relates to the tethering or restraining of dogs.

On page 2 of the bill, at lines 9-10, the phrase "in a cruel or inhumane manner" is being added to describe the prohibited tethering or restraint. This phrase is very vague and ambiguous, and probably unnecessary in light of the specific prohibitions of the subsection.

On page 2 of the bill, at lines 15-16, the bill prohibits the use of "a tether or chain that weighs more than ten percent of the weight of the dog tethered." At line 19, the bill prohibits tethering of a dog under the age of two months. Both of these prohibitions will be very difficult to enforce. A person who observes a tethered dog cannot know the weight of the dog and tether unless the person is carrying a scale and is able to weigh each of them separately. The person would then have to calculate the ten percent limit. With respect to the prohibition based on the age of the dog, it would be very difficult for a person to know the age of the dog, and difficult to prove it in court beyond a reasonable doubt.



## HAWAIIAN HUMANE SOCIETY

2700 Waiālae Avenue  
Honolulu, Hawaii 96826  
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Fax: 955-6034  
www.hawaiianhumane.org

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*The Hawaiian Humane  
Society is dedicated to  
promoting the human-  
animal bond and  
the humane treatment of  
all animals.*

March 10, 2010

Brian T. Taniguchi, Chair  
Dwight Y. Takamine, Vice Chair  
Senate Committee on Judiciary and  
Government Operations

Re: Testimony on HB 2724 HD1

Chair Taniguchi, Vice Chair Takamine and Members of the Senate  
Committee on Judiciary and Government Operations:

On behalf of our more than 26,000 supporters in Hawaii, the Hawaiian  
Humane Society greatly appreciates the opportunity to comment on HB  
2724 HD1 Relating to Offenses Against Public Order.

We strongly support the intent of HB 2724 HD1 which would expand the  
definition of tethering and establish key requirements by which a person  
would be held accountable for cruelty to animals if found in violation.

However, we respectfully request that language be added to HB 2724  
HD1 that is currently in SB 2877 regarding property lines. In SB 2877  
(1d), there is important language that makes it illegal to use a tether or  
chain that allows the dog to reach within five feet of the property line.  
Research shows that tethering is both an animal welfare and public safety  
issue. This provision is particularly related to public safety and the  
language regarding the property line is critical. However, this language is  
omitted from the House version of the bill entirely. We request that the  
language from SB 2877 (1d) therefore be included in HB 2724 HD 1.

There were two changes made to the original HB 2724 bill that we would  
like to recommend be returned to the originally proposed language:

- the minimum age of dog that is allowed to be tethered to be  
increased from 8 weeks to six months of age.

- that the tether be required to be at least five times the length of  
the dog and at least 10 feet long.

The Hawaiian Humane Society strongly supports the intent of this  
important bill and strongly supports its passage with the recommended  
change.

Thank you for the opportunity to testify.

Pamela Burns  
President & CEO



## **Hawaii Cattlemen's Council, Inc.**

P O Box 437199 Kamuela HI 96743  
Phone (808) 885-5599 • Fax (808) 887-1607  
e-mail: [HICattlemens@hawaii.rr.com](mailto:HICattlemens@hawaii.rr.com)

SENATE COMMITTEE ON JUDICIARY

Friday March 12, 2010 9:30 am Room 016

### **HB 2724 HD1R ELATING TO OFFENCES AGAINST THE PUBLIC ORDER**

Chairman Taniguchi and Members of the Committee:

My name is Alan G. Otlieb, and I am the President of the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our 130+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% of the State's total land mass.

The Hawaii Cattlemen's Council would like to offer comments on HB 2724 HD1.

While the intent of this bill in its original language was to prevent harm to pet dogs and the public by not allowing dogs to be tethered except under certain limited circumstances, it did not take into account the practical practice by Hawaii's farm and ranch families of using working dogs for their operations. **The original bill could criminalize certain practices that enable working dogs to learn their trade and stay safe.** These practices include relatively short tethers, for short periods of time and the use of tethers on dogs younger than six months of age. For that reason, we suggested certain language to the House which would alleviate our concerns, and they have inserted that language in HD 1. If that new language is removed, we would strongly oppose this bill.

We in the Livestock industry are very sensitive to Animal Cruelty Issues. We are also very sensitive about groups of people who do not believe anyone should be allowed to eat food derived from animals, or own pets or ride horses. Many times, these groups get their foot in the door with legislation by grossly exaggerating an issue or using an example of one bad actor that all would agree should be stopped. Some of these radical animal activists do not want people to eat meat or poultry. We believe that people should have the right to *not* be vegetarians. The Hawaii Cattlemen's Council has developed and our members have adopted standards for Ethical Practices and the safe and humane treatment of animals. We work with veterinarians and leading animal welfare experts, constantly improving what we do and how we do it. Livestock producers would not benefit from mistreating their animals.

Thank you for giving us the opportunity to testify on this important matter.

---

**From:** MMMMahalo2000@aol.com  
**Sent:** Tuesday, March 09, 2010 12:41 PM  
**To:** JGO Testimony  
**Subject:** Support for HB2724, 3/12/10, 9:30 AM

**Bill: HB 2724**  
**Date 3/12/10**  
**Time 9:30 AM**  
**Room 016**  
**Support**  
**Will not be present**  
**Mike Moran**  
**Kihei, Hi**  
**mmmmahalo2000@aol.com**

**Please support this reasonable measure for animal welfare for Hawaii's dogs. Mahalo.**

---

**From:** Joel Fischer [jfischer@hawaii.edu]  
**Sent:** Tuesday, March 09, 2010 1:09 PM  
**To:** JGO Testimony  
**Subject:** HB2724; JGO; 3/12; 9:30AM; Rm 016

HB2724, HD1, Relating to Offenses (Tethering)  
JGO; Chair, Sen Taniguchi

**PLEASE PASS THIS BILL!!**

This is a glorious chance to help animals who are completely dependent on we humans for their well-being. While I, personally, would support an end to all tethering, this bill provides a wonderful mechanism to move forward on this issue. After all, politics is the art of what is do-able.

We are very close now to changing the law to make life better for animals that are abused by tethering practices that are cruel and unusual punishment. This would move our community a huge step forward in protecting the animals that we all love.

Please pass this bill; I cannot tell you how relieved I will be.

Thank you.

Aloha, joel

Dr. Joel Fischer, ACSW  
Professor (Ret.)  
University of Hawai'i, School of Social Work  
Henke Hall  
Honolulu, HI 96822

"It is reasonable that everyone who asks justice should DO justice."  
Thomas Jefferson

"There comes a time when one must take a position that is neither safe, nor politic, nor popular, but one must take it because one's conscience tells one that it is right."  
Dr. Martin Luther King, Jr.

"Never, never, never quit."  
Winston Churchill

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**From:** Rosemary Karlsson [rosemarykarlsson@gmail.com]  
**Sent:** Tuesday, March 09, 2010 8:14 PM  
**To:** JGO Testimony  
**Subject:** HB 2724 Tethering bill, testimony

I have 10 years experience in dog rescue, and have trained search and rescue dogs. This bill is a good start for improving the situation for dogs, as dogs are pack animals and need the companionship of other dogs and/or people. Isolating them by chaining them out or keeping in a kennel only makes them neurotic and sometimes aggressive. I

Rosemary Karlsson  
PO Box 492266  
Keaau, HI 96749  
808-966-6589