



**Office of the Public Defender
State of Hawaii**



Timothy Ho, Chief Deputy Public Defender

**Testimony of the Office of the Public Defender,
State of Hawaii to the Senate Committee on Judiciary and Government Operations**

February 13, 9:30 a.m.

RE: S.B. 763: Relating To Cruelty to Animals

Chair Taniguchi and Members of the Committee:

This measure would repeal the current dog fighting statute and replace it with a new, more comprehensive dog fighting law.

The Office of the Public Defender opposes S.B. 763

Section 1(f) of this measure would proscribe the "knowing possession of any dog used for a fight or any device intended to enhance the animal's fighting ability." This provision would make any animal shelter, Humane Society, or individual who knowingly possesses a fighting dog in an attempt to rescue it from its previous owner guilty of a class C felony. This measure makes no distinction between the lawful ownership of a dog formerly trained for fighting and the owner of a dog currently being used for fighting, or intended to be used for fighting.

We also oppose the imposition of mandatory jail in this measure. Anyone convicted of a second or subsequent offense would be subject to five years imprisonment or probation with a mandatory thirty day jail sentence. Not all of the people present at dog or chicken fights bear the same degree of culpability, and our courts should have the discretion to sentence them accordingly. There is a significant difference between a dog trainer or owner of a fighting dog, and a non-gambling bystander who is "knowingly present" at a fight. Under this measure, both individuals would be subject to same mandatory jail sentence. Innocent family members who reside with a dog owner or trainer should not receive the same treatment as the owner or trainer. Furthermore, the progressive sentencing scheme would prohibit even a first-time offender from obtaining a deferred acceptance of guilty or no contest plea. If this measure passes, the only way for a court to grant a deferral would be to include specific language within the dog fighting law.

We oppose S.B 763. Thank you for the opportunity to comment on this bill.

Senate Committee on Judiciary and Government Operations
Honorable Chair Brian Taniguchi, Vice-Chair Dwight Takamine
February 13, 2009
9:30am

Submitted by: Inga Gibson, Hawaii State Director
The Humane Society of the United States
In Support of S.B.763; Related to dogfighting

Dear Honorable Chair Taniguchi,

On behalf of our 47,704 members and supporters of the Humane Society of the United States in Hawaii, I would like to thank you for this opportunity to speak in favor of S.B. 763; relating to dogfighting. The HSUS is in strong support of this bill and we thank Senator Chun-Oaklund for her introduction of this critical crime and cruelty reduction measure.

In a recent national ranking of dogfighting laws in the states and the District of Columbia, Hawaii ranked 50th in part because it is one of only two states with no penalties for attending or wagering on an organized dogfight. This bill would also add penalties for those who breed, raise, sell or transport dogs for fighting purposes, including the use of stray or stolen pets as "bait" to train dogs to fight.

The 2007 Michael Vick case sadly exposed that no community is immune from dogfighting. Tough dogfighting laws, such as the proposed, are what allowed Vick and his co-conspirators to be successfully charged and convicted. Our organization has assisted in hundreds of animal fighting raids across the country and we are aware of numerous dogfighting suspects across Hawaii that sadly, have been active for many years.

Need for spectator and wagering penalty

Under the existing law, one would need to be literally caught in the act of dogfighting, which, due to the clandestine nature of such activity, is extremely rare. Even if law enforcement were to encounter a dogfight in progress, under current law, those attending as knowing spectators/participants would face no legal penalty. Spectators provide much of the profit associated with dogfighting. The money generated by admission fees and gambling helps keep this "sport" alive. Because dogfights are illegal and therefore not widely publicized, spectators do not merely happen upon a fight; they seek it out. They are willing participants who support a criminal activity through their paid admission, wagering and attendance.

Public Safety Issue:

Dogs used for fighting have been bred for many generations to be dangerously aggressive toward other animals. The presence of these dogs in a community increases the risk of attacks not only on other animals but also on people. Children are especially at risk, because their small size may cause a fighting dog to perceive a child as another animal.

Associated Crimes:

Dogfighting is also associated with other crimes such as illegal gambling, drug distribution and human violence. According to a study conducted by the Chicago Police Department, of more

than 300 people arrested for crimes against animals (including dogfighting), more than 65 percent had also been arrested for battery-related violent crimes and 70 percent for illegal drugs.

Cruelty to dogs and “bait” animals

The injuries inflicted and sustained by dogs participating in dogfights are frequently severe, even fatal. Dogs used in these “events” often die of blood loss, shock, dehydration, exhaustion, or infection hours or even days after the fight. Other animals are often sacrificed as well. Some owners train their dogs for fights using smaller animals such as cats, rabbits or small dogs. These “bait” animals are often stolen or stray pets or animals obtained through “free to good home” advertisements.

We respectfully urge your passage of SB 763 to reduce all forms of crime and create safer communities for pets and people.

Please contact me at 808-922-9910 or igibson@humanesociety.org for additional information.

Susan Miyao

From: Kawehi Yim [kyim@hawaiianhumane.org]
Sent: Thursday, February 12, 2009 4:45 PM
To: JGO Testimony
Subject: SB763 -- RELATING TO CRUELTY TO ANIMALS
Attachments: att62e6c.jpg



HAWAIIAN
HUMANE
SOCIETY

Senator Brian T. Taniguchi, Chair
Committee on Judiciary and Government Operations
February 13, 2009, 9:30 a.m.

SUBJECT: SB763
POSITION: SUPPORT

The Hawaiian Humane Society supports SB763 which repeals the existing prohibition against dog fighting and enacts more comprehensive prohibitions against this barbaric bloodsport and provides for enhanced penalties.

We also ask that the Legislature apply these comprehensive prohibitions and enhanced penalties to cockfighting as well, especially when you consider that cockfighting is prevalent throughout our entire community.

We support SB763 and ask that this legislative body support and pass SB763.

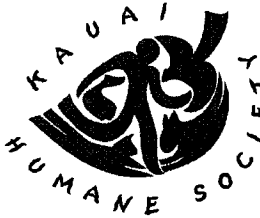
Sincerely,

Kawehi Yim
Community Relations Director
Hawaiian Humane Society
2700 Waialae Avenue
Honolulu, HI 96826

Phone: 808.356.2212

E-Mail: kyim@hawaiianhumane.org

From: Dr. Becky Rhoades [drbecky@kauaihumane.org]
Sent: Thursday, February 12, 2009 2:51 PM
To: JGO Testimony
Subject: SB 763 Relating to Cruelty to Animals Hearing on February 13
Attachments: image001.jpg; image003.jpg; image004.jpg



Kauai Humane Society
PO Box 3330
Lihue, Hawaii 96766
(808) 632-0610
www.kauaihumane.org

February 12, 2009

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS
Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

HEARING DATE: Friday, February 13, 2009, 9:30 a.m.
Conference Room 016, State Capitol

Re: SB 763 Relating To Animal Cruelty

Dear Chairman Taniguchi and Members of the Committee,

On behalf of the Kauai Humane Society and its 2000 members, we strongly support SB 763 and all efforts to end the cruel blood sport of dog fighting. Our community like many others were shocked and horrified following the public prosecution of Michael Vicks for dog fighting. Our existing state law prohibiting dog fighting needs strengthening and this more comprehensive language provides for enhanced penalties and more effective enforcement.

Please pass SB 763 which better protects Hawaii from this barbaric blood sport.

Sincerely,

A handwritten signature in black ink that reads "Dr. Becky Rhoades". The signature is written in a cursive, flowing style.

Rebecca H. Rhoades, D.V.M.
Executive Director
Kauai Humane Society

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 12, 2009 2:25 PM
To: JGO Testimony
Cc: selkie@hawaii.rr.com
Subject: Testimony for SB763 on 2/13/2009 9:30:00 AM

Testimony for JGO 2/13/2009 9:30:00 AM SB763

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Cathy Goeggel
Organization: Animal Rights Hawai'i
Address:
Phone:
E-mail: selkie@hawaii.rr.com
Submitted on: 2/12/2009

Comments:

ANIMAL RIGHTS HAWAI'I

P.O. BOX 10845
HONOLULU, HI 96816
808.941.9476
ANIMALRIGHTSHAWAII.ORG
SELKIE@HAWAII.RR.COM

Committee on Judiciary and Government Operations Friday, February 13, 2009 Conference Room
016 Hawai'i State Capitol

Senator Brian Taniguchi, Chair
Senator Dwight Takamine, Vice Chair

re: SB763
position: support

Dog fighting is a heinous activity. The case of Michael Vick last year brought national attention to the horrors of the dog fighting business that flourishes in all corners of the US.

We support this bill that would improve the ability of law enforcement to prosecute dog fighters.

Mahalo,

Cathy Goeggel
Director

From: WinSheltie [winsheltie@aol.com]
Sent: Wednesday, February 11, 2009 11:52 AM
To: JGO Testimony
Subject: SB763

I strongly support all ban and efforts of enforcement on any issues relating to dog fighting and cockfighting. Penalties should be increased and enhanced as deterrents to such crimes.

S. Keleher

From: Joel Fischer [jfischer@hawaii.edu]
Sent: Wednesday, February 11, 2009 1:20 PM
To: JGO Testimony
Subject: SB763;JGO;2/13/09;9:30AM;Rmoi6

Importance: High

SB763, Relating to *Cruelty*
JGO; Chair Sen Taniguchi

PLEASE, PLEASE PASS THIS BILL!

The title of this bill says it all: This is a bill about *animal cruelty*. It is very important to re-address our laws when they may not be as effective as we want them to be. So, I am very grateful to you for introducing this bill.

There are no reasons these beautiful, sensitive, loving creatures should ever be raised to maim and kill each other for the entertainment of insensitive humans. Thank god we are not back in the days of the ancient Romans who enjoyed this kind of brutal, cruel and inhumane activities.

Thank you for hearing this bill and passing it.

Aloha, joel

Dr. Joel Fischer, ACSW
President, 19-3, Democratic Party

Professor
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

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 12, 2009 12:36 PM
To: JGO Testimony
Cc: malmuds001@hawaii.rr.com
Subject: Testimony for SB763 on 2/13/2009 9:30:00 AM

Testimony for JGO 2/13/2009 9:30:00 AM SB763

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Shirley Malmud
Organization: Individual
Address: 669 Akoakoa Street Kailua, HI
Phone: 263-7756 or 753-3654
E-mail: malmuds001@hawaii.rr.com
Submitted on: 2/12/2009

Comments:

I am passionately in favor of stronger and more precise prohibition against dog fighting. This is the most cruel and violent blood sport that forcibly trains the most innocent and loving of animals to attack and kill one another for the amusement of men.

It is appalling that the State of Hawaii received the lowest rating in the country for our lack of legislative and judicial strength in prosecuting the unconscionable individuals that operate this business. These bills should also include arrest and severe penalties for anyone involved in the dog fighting business, such as on-lookers who help to perpetuate this crime.

I strongly support all legislative and enforcement efforts that will put an end to this cruel sport, and urge Hawaii's Legislature to affect the strongest stand possible to shut down the dog fighting industry in Hawaii.

From: Malmud, Kevin [Kevin.Malmud@boh.com]
Sent: Thursday, February 12, 2009 2:42 PM
To: JGO Testimony
Cc: The Malmuds
Subject: FW: Testimony for SB763 on 2/13/2009 9:30:00 AM

I'd also like to echo my wife's comments below and want to strongly encourage you to pass strong legislation to enforce a ban on this barbaric sport.

Aloha,

Kevin

-----Original Message-----

From: mailinglist@capitol.hawaii.gov
[mailto:mailinglist@capitol.hawaii.gov]

Sent: Thursday, February 12, 2009 12:36 PM
To: JGOtestimony@capitol.hawaii.gov
Cc: malmuds001@hawaii.rr.com
Subject: Testimony for SB763 on 2/13/2009 9:30:00 AM

Testimony for JGO 2/13/2009 9:30:00 AM SB763

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Shirley Malmud
Organization: Individual
Address: 669 Akoakoa Street Kailua, HI
Phone: 263-7756 or 753-3654
E-mail: malmuds001@hawaii.rr.com
Submitted on: 2/12/2009

Comments:

I am passionately in favor of stronger and more precise prohibition against dog fighting. This is the most cruel and violent blood sport that forcibly trains the most innocent and loving of animals to attack and kill one another for the amusement of men.

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I strongly support all legislative and enforcement efforts that will put an end to this cruel sport, and urge Hawaii's Legislature to affect the strongest stand possible to shut down the dog fighting industry in Hawaii.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 12, 2009 1:48 PM
To: JGO Testimony
Cc: punahoupoidog@hawaii.rr.com
Subject: Testimony for SB763 on 2/13/2009 9:30:00 AM

Testimony for JGO 2/13/2009 9:30:00 AM SB763

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: peggy fern
Organization: Individual
Address: 55 merchant street honolulu
Phone:
E-mail: punahoupoidog@hawaii.rr.com
Submitted on: 2/12/2009

Comments:

Not only do I strongly support this effort to end this cruel sport, I urge that the same enhanced penalties be applied to cockfighting as well.

From: Francie Boland [Francie_Boland@hmsa.com]
Sent: Thursday, February 12, 2009 3:02 PM
To: JGO Testimony
Subject: SB763

My name is Francie Boland and I am a member of the Board of Directors of the Hawaiian Humane Society. I would like to voice my ***strong support for Senate Bill 763***. Hawaii must use any and all efforts to end this cruel bloodsport.

Thank you for your consideration.

"MMS <hmsa.com>" made the following annotations.

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