



GOV. MSG. NO. 1238

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 20, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on June 20, 2011, the following bill was signed into law:

SB1068 SD1 HD1 CD1

RELATING TO ANIMAL CRUELTY
Act 135 (11)

Alma
Signed
Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

A BILL FOR AN ACT

RELATING TO ANIMAL CRUELTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 711-1108.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§711-1108.5 Cruelty to animals in the first degree. (1)

4 A person commits the offense of cruelty to animals in the first
5 degree if the person intentionally or knowingly [~~tortures~~];

6 (a) Tortures, mutilates, or poisons or causes the torture,
7 mutilation, or poisoning of any pet animal or equine
8 animal resulting in serious bodily injury or death of
9 the pet animal or equine animal[-]; or

10 (b) Kills or attempts to kill any pet animal belonging to
11 another person, without first obtaining legal
12 authority or the consent of the pet animal's owner.

13 (2) Subsection [~~(1)~~] (1) (a) shall not apply to:

14 (a) Accepted veterinary practices;

15 (b) Activities carried on for scientific research governed
16 by standards of accepted educational or medicinal
17 practices; or

18 (c) Cropping or docking as customarily practiced.



1 (3) Subsection (1)(b) shall not apply to:

2 (a) Humane euthanasia of any animal by an animal control
3 officer, duly incorporated humane society, duly
4 incorporated society for the prevention of cruelty to
5 animals, or duly authorized governmental agency in
6 accordance with American Veterinary Medical
7 Association accepted standards; or

8 (b) Conduct which the actor believes to be necessary to
9 avoid an imminent harm or evil to the actor, another
10 person, or an animal; provided that the harm or evil
11 sought to be avoided by such conduct is greater than
12 that sought to be prevented by this section and is
13 justifiable as provided in section 703-302 for choice
14 of evils; provided further that, for purposes of this
15 paragraph, as the justification described in section
16 703-302 shall also apply to conduct which the actor
17 believes to be necessary to avoid an imminent harm or
18 evil to an animal.

19 ~~[(3)]~~ (4) Whenever any pet animal or equine animal is so
20 severely injured that there is no reasonable probability that
21 its life can be saved, the animal may be immediately destroyed
22 without creating any offense under this section.



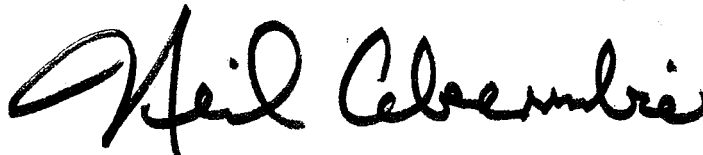
1 [~~4~~] (5) Cruelty to animals in the first degree is a
2 class C felony."

3 SECTION 2. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect on July 1, 2011.

APPROVED this 20 day of JUN, 2011



GOVERNOR OF THE STATE OF HAWAII