
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.



Report Title:
Animal Cruelty

Description:

Provides that killing, or attempting to kill, the pet animal of another person without that person's consent constitutes animal cruelty in the first degree. Adds certain exceptions to animal cruelty in the first degree. (CD1)

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