

JAN 26 2011

A BILL FOR AN ACT

RELATING TO DOGS.

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

1 SECTION 1. Section 142-75, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:
3 "(b) Whenever a dog has bitten a human being on at least
4 two separate occasions for which none of the exceptions
5 specified in section 663-9.1 apply, or whenever a dog has bitten
6 a human being on only one occasion that results in a bite so
7 severe that it causes serious bodily injury, and the dog was not
8 provoked as specified in section 663-9.1(c)(1), then any person
9 may bring an action against the owner of the dog in the district
10 court of the judicial circuit in which the owner resides, to
11 determine whether conditions of the treatment or confinement of
12 the dog or other circumstances existing at the time of the bites
13 have been changed so as to remove the danger to other persons
14 presented by such animal. The court, after hearing, may make
15 any order it deems appropriate to prevent the recurrence of such
16 an incident, including but not limited to the removal of the
17 animal from the area or its destruction by its owner. In making
18 its decision, the court may consider:



- 1 (1) The vicious or dangerous propensities of the animal;
- 2 (2) The ability of the owner to adequately confine or
- 3 remove the animal; and
- 4 (3) The necessity of any destruction of an animal in light
- 5 of the health, safety, and welfare of the community.

6 This section shall not preclude any existing common law

7 remedies."

8 SECTION 2. This Act does not affect rights and duties that

9 matured, penalties that were incurred, and proceedings that were

10 begun before its effective date.

11 SECTION 3. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.

13

INTRODUCED BY: A.S.T.H.

Report Title:

Dogs; Humans Bitten By Dogs; Destruction or Removal of Dog

Description:

Establishes an exemption to the "two-bite" rule for the removal or destruction of a dog by allowing a court to order the removal or destruction of a dog which has only bitten a human being once when the injury caused by that one bite is so severe that it results in serious bodily injury to the human being regardless of whether the bite was unprovoked.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

