

JAN 21 2011

A BILL FOR AN ACT

RELATING TO ANIMAL CRUELTY.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter, to be appropriately designated and to read
3 as follows:

4 **"CHAPTER**

5 **ANIMAL ABUSER REGISTRY**

6 § -1 **Definitions.** For purposes of this chapter:

7 "Covered offender" means a person over the age of eighteen
8 who has been convicted of a covered offense.

9 "Covered offense" means cruelty to animals in the first
10 degree pursuant to section 711-1108.5.

11 "Sheriff" means the sheriff's division of the department of
12 public safety.

13 § -2 **Registration requirements.** (a) Any covered
14 offender shall register with the animal abuser registry
15 maintained by the sheriff by providing the following
16 information:

17 (1) The legal name and any other names or aliases used by
18 the covered offender;



- 1 (2) The date of birth of the covered offender;
- 2 (3) The social security number of the covered offender;
- 3 (4) The sex, race, height, weight, and hair and eye color
- 4 of the covered offender;
- 5 (5) The address of the covered offender's primary
- 6 residence;
- 7 (6) The place of employment of the covered offender;
- 8 (7) A description of the offense for which the covered
- 9 offender was convicted and the conviction date; and
- 10 (8) The date the offense took place and the location where
- 11 the offense occurred.
- 12 (b) Covered offenders shall register no later than five
- 13 working days after the earliest of:
 - 14 (1) Release from incarceration or commitment for a covered
 - 15 offense;
 - 16 (2) Release on furlough for a covered offense;
 - 17 (3) Conviction for a covered offense, unless incarcerated;
 - 18 (4) Release on probation for a covered offense;
 - 19 (5) Settlement of any monetary penalty for a covered
 - 20 offense; or
 - 21 (6) Placement on parole for a covered offense.



1 (c) For purposes of the registry, the sheriff shall keep
2 on file:

3 (1) A photograph of the covered offender;

4 (2) A complete set of the covered offender's fingerprints;
5 and

6 (3) A description of any tattoos, scars, or other
7 distinguishing features on the covered offender's body
8 that would assist in identifying the covered offender.

9 (d) Following the covered offender's initial registration
10 pursuant to this section, the covered offender shall annually
11 renew the registration prior to December 31 of each subsequent
12 calendar year for a period of ten years after the date of the
13 initial registration.

14 (e) The covered offender shall report any address or
15 employment changes for purposes of the registry within five
16 working days of the change.

17 **§ -3 Failure to comply with covered offender**
18 **registration requirements.** A person commits the offense of
19 failure to comply with the animal abuser registration
20 requirements if the person is required to register under this
21 chapter and the person intentionally, knowingly, or recklessly:



- 1 (1) Fails to register with the animal abuser registry in
- 2 accordance with section -2(a);
- 3 (2) Provides false information as part of the
- 4 registration; or
- 5 (3) Fails to update information in accordance with the
- 6 requirements of section -2.

7 Failure to comply with the animal abuser registration
8 requirements is a misdemeanor.

9 § -4 **Animal abuser registry.** (a) The sheriff shall
10 maintain a registry of covered offenders who are required to
11 register pursuant to this chapter. The registry shall be made
12 available to the public through internet access and on-site
13 public access at one or more designated police stations in each
14 county, between the hours of 8:00 a.m. and 4:30 p.m. on
15 weekdays, excluding holidays. All of the information contained
16 in the covered offender's registration, with the exception of
17 the covered offender's social security number, shall be made
18 available to the public. Records of each covered offender's
19 registration shall be maintained for the duration of the
20 ten-year period during which the covered offender is required to
21 be registered. Public access to the public information for each
22 covered offender shall be permitted while the covered offender



1 is subject to the registration requirements of this chapter,
2 except that a covered offender may petition the court in a civil
3 proceeding to terminate public access.

4 (b) The sheriff shall work with the county police
5 departments to coordinate registry information collection and
6 transfer, as appropriate, and the posting of registry
7 information in the respective county police departments to meet
8 the public access requirements of this chapter.

9 § -5 Termination of registration requirements. A
10 covered offender shall be eligible to petition the court in a
11 civil proceeding for an order that the covered offender's
12 registration requirements under this section be terminated. The
13 court may order this termination upon substantial evidence and
14 proof greater than a preponderance of the evidence that:

- 15 (1) The covered offender has had no new convictions for
16 covered offenses;
- 17 (2) The covered offender is very unlikely to commit a
18 covered offense ever again; and
- 19 (3) Public access to the covered offender's public
20 information will not assist in protecting the safety
21 of the public or any member thereof."



1 SECTION 2. This Act shall take effect upon its approval;
2 provided that the sheriff's division of the department of public
3 safety shall establish the animal abuser registry no later than
4 July 1, 2012.

5

INTRODUCED BY:

 (BR)



Report Title:

Animal Abuse; Animal Cruelty; Animal Abuser Registration

Description:

Creates an animal abuser registry, requiring the registering of adults convicted of a felony violation relating to animal cruelty in the first degree.

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

