

STAND. COM. REP. NO. 1434

Honolulu, Hawaii

April 7, 2011

RE: S.B. No. 1068
S.D. 1
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1068, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY,"

begs leave to report as follows:

The purpose of this bill is to create stronger protections for pet animals from abuse and cruelty by adding killing or attempting to kill a pet animal belonging to another without legal authority or consent to the offense of cruelty to animals in the first degree, with the exception of humane euthanasia by authorized individuals or entities and for landowners defending themselves, another, or another animal on the landowner's property.

The City and County of Honolulu Department of the Prosecuting Attorney, The Humane Society of the United States in Hawaii, Hawaiian Humane Society, Downtown Neighborhood Board No. 13, and many concerned individuals testified in support of this bill. The Hawaii Cattlemen's Council, Inc. supported the intent of this measure. The Office of the Public Defender opposed this bill. The Department of the Attorney General and the Hawaii Farm Bureau Federation offered comments on this measure.

SB1068 HD1 HSCR JUD HMS 2011-3662



Your Committee has amended this bill by:

- (1) Deleting the requirement that humane euthanasia must be performed by specified individuals or agencies in accordance with American Veterinary Medical Association accepted standards;
- (2) Deleting the exception for the use of force by a landowner in self defense, or in defense of another person or animal, on the landowner's property;
- (3) Establishing a choice of evils defense;
- (4) Applying exceptions for accepted veterinary practices, scientific research, and cropping or docking specifically to the component of the offense relating to the torture, mutilation, poisoning, or causing such action, resulting in the serious bodily injury or death of a pet or equine animal;
- (5) Applying exceptions for humane euthanasia and choice of evils explicitly to the component of the offense relating to the killing or attempted killing of any pet animal belonging to another without consent;
- (6) Changing its effective date to July 1, 2011; and
- (7) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1068, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1068, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


GILBERT KEITH-AGARAN, Chair



