

STAND. COM. REP. NO. 1098

Honolulu, Hawaii

March 23, 2011

RE: S.B. No. 1069
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. 1069, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this bill is to prevent individuals from participating in dogfighting by creating more comprehensive penalties, including:

- (1) Establishing the offenses of cruelty to animals by fighting dogs in the first and second degree, which penalizes direct participation in holding dogfights or owning, training, or selling dogs for such purposes as a class B felony, and punishes spectators and indirect participation as a class C felony; and
- (2) Adding cruelty to animals by fighting dogs to those offenses for which a duly incorporated humane society may impound or force forfeiture of a dog.

The City and County of Honolulu Department of the Prosecuting Attorney, The Humane Society of the United States in Hawaii, Hawaiian Humane Society, Hawaii Island Humane Society, West Hawaii Humane Society, and numerous concerned individuals testified in support of this measure. The Office of the Public Defender opposed this bill.

SB1069 HD1 HSCR JUD HMS 2011-3175



Your Committee has amended this measure by:

- (1) Defining bait dog;
- (2) Substituting the word "objects" for the words "tool, machine, paraphernalia, and equipment" in the definition of device;
- (3) Deleting dog breeding from the offense of cruelty to animals by fighting dogs in the first degree;
- (4) Changing the effective date to July 1, 2011; and
- (5) Making technical, nonsubstantive amendments 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. 1069, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1069, 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



HSCR 1098

State of Hawaii
House of Representatives
The Twenty-sixth Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB 1069, SD 1	Committee Referral: JUD	Date: 3/17/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KEITH-AGARAN, Gilbert S.C. (C)	✓			
2. RHOADS, Karl (VC)	✓			
3. BROWER, Tom	✓			
4. CABANILLA, Rida T.R.				✓
5. CARROLL, Mele				✓
6. HERKES, Robert N.	✓			
7. ITO, Ken				✓
8. LUKE, Sylvia	✓			
9. McKELVEY, Angus L.K.	✓			
10. MORITA, Hermina M.				
11. OSHIRO, Blake K.	✓			
12. SOUKI, Joseph M.	✓			
13. TSUJI, Clift	✓			
14. FONTAINE, George R.	✓			
15. MARUMOTO, Barbara C.	✓			
16. THIELEN, Cynthia	✓			
TOTAL (16)	12	0	0	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ committee acronym(s) _____ did not support recommendation.				
Vice Chair's or designee's signature: <i>Karl Rhoads</i>				
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