

Honolulu, Hawaii

MAR 04 2011

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

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 1069 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Create a new offense for cruelty to animals by fighting dogs in the second degree, a class C felony;
- (2) Amend the existing offense of cruelty to animals by fighting dogs to convert that offense to cruelty to animals by fighting dogs in the first degree, and clarify the elements of the offense; and
- (3) Increase the penalty for cruelty to animals by fighting dogs in the first degree from a class C felony to a class B felony.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu; the Humane Society of the United States; the Hawaiian Humane Society; the Maui Humane Society; the West Hawaii Humane Society; the Hawaii Veterinary Medical Association; and fifty-eight individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender. Your Committee received comments on this measure from one individual.



Your Committee finds that dogfighting is a brutal practice for the dogs involved, often resulting in the death of the participating dogs by blood loss, shock, dehydration, exhaustion, or infection within hours or days after the fight. Moreover, because the dogs used for fighting have been bred for generations to be dangerously aggressive toward other animals, the presence of these dogs in a community increases the risk of attacks on not only on other animals, but potentially on children, as their small size may cause a fighting dog to perceive a child as another animal.

According to testimony submitted to your Committee, in a recent national ranking of the weakest state dogfighting laws, Hawaii ranked fiftieth, primarily because there is no current penalty for attending or wagering on an organized dogfight. Attendees of dogfights provide much of the profit associated with dogfighting, and admission fees and gambling helps keep dogfighting a thriving business. Because dogfighting itself is illegal, it is not widely publicized. Accordingly, attendees do not merely happen upon a fight; they seek it out. This measure is intended to address the demand of dogfighting, in an attempt to deter this callous practice.

Your Committee also notes that this measure includes a specific prohibition on the use of other animals as bait to train fighting dogs. Some owners train their dogs for fights using smaller animals such as cats, rabbits, or small dogs. These bait animals are often stolen animals, stray pets, or animals obtained through advertisements that offer pets free to a good home. This measure is intended to address these collateral victims of dogfighting.

Your Committee has amended this measure by:

- (1) Deleting the definition of "attending" a dogfight to address potential enforceability issues, as recommended by the Department of the Prosecuting Attorney of the City and County of Honolulu;
- (2) Adding a severability clause; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1069, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1069, S.D. 1, and be placed on the calendar for Third Reading.

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


CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 1069	Committee Referral: JDL	Date: 2/23/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike				✓
IHARA, Jr., Les				✓
SLOM, Sam	✓			
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes