

STAND. COM. REP. NO. 1300

Honolulu, Hawaii

April 1, 2011

RE: S.B. No. 1533  
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. 1533, 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 clarify that only harm to insects or rodents is exempted from the offense of cruelty to animals in the second degree by deleting the exception for vermin and other pests.

The Humane Society of the United States and many concerned individuals testified in support of this bill. The Hawaiian Humane Society supported the intent of this measure. A concerned individual opposed this bill. The Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, and Hawaii Pest Control Association provided comments on this measure.

Your Committee finds that the deletion of "vermin or other pests" from the current law raises concerns as to the ability of pest control operators to properly perform their work. This amendment would also limit individuals from handling "pests," such as coqui frogs, mongoose, and reptiles, even where it was done in accordance with standard and acceptable practices.

SB1533 HD1 HSCR JUD HMS 2011-3372



Your Committee is in favor of the bill's intent to prevent cruel treatment of animals that may be viewed by some as pests. However, your Committee finds that retaining the original list of animal groups covered under current law and adding further conditions will better meet this intent, including that any handling of "insects, vermin, or other pests" must comply with all laws and regulations applicable to pest control practices.

Your Committee further notes that "other pests" has not been interpreted to include "pet animals" as defined in this chapter and accordingly finds that language specifically excluding pet animals from this paragraph would be redundant.

Your Committee has amended this bill by:

- (1) Reinstating the phrase "vermin or other pests" to those creatures excepted from the offense of cruelty to animals in the second degree;
- (2) Requiring that any handling or extermination of insects, vermin, or other pests be conducted in accordance with standard and acceptable pest control practices and all applicable laws and regulations; and
- (3) Changing the effective date to July 1, 2011.

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. 1533, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1533, 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



