

STAND. COM. REP. NO

474

Honolulu, Hawaii

MAR 03 2011

RE: S.B. No. 1533  
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. 1533 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 clarify that  
peacocks are not "pests" for purposes of cruelty to animals in the  
second degree under section 711-1109(1)(c), Hawaii Revised  
Statutes.

Your Committee received comments on this measure from the  
Department of the Prosecuting Attorney of the City and County of  
Honolulu, the Hawaiian Humane Society, and the Hawaii Island  
Humane Society.

Your Committee finds that the law regarding animal cruelty  
should be clarified. The references to pests and vermin within  
section 711-1109(1)(c), Hawaii Revised Statutes, are ambiguous in  
that a person charged with cruelty to animals in the second degree  
may essentially blame the "victim" by convincing a judge or jury  
that an animal's behavior made it a pest within the meaning of the  
statute, thereby avoiding conviction. Nevertheless, your  
Committee agrees with the testimony submitted regarding this  
measure that it is unnecessary for the statute to be so specific  
as to list every animal that could be deemed a pest.

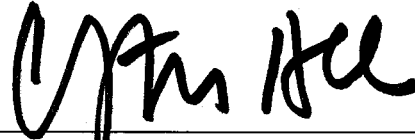
Your Committee has amended this measure by:



- (1) Replacing the existing reference to "vermin or other pests" in section 711-1109(1)(c), Hawaii Revised Statutes, with "rodents";
- (2) Limiting the exception of "insects and rodents" in section 711-1109(1)(c), Hawaii Revised Statutes, by requiring that any insects or rodents are handled in accordance with standard and acceptable rodent control practices;
- (3) Deleting the specific references to peacocks;
- (4) Inserting an effective date of July 1, 2050, to allow for further discussion; and
- (5) 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. 1533, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1533, 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,



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CLAYTON HEE, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB 1533</b>	Committee Referral: <b>JDL</b>	Date: <b>2/10/11</b>		
<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				✓
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes