

SB1068
TESTIMONY

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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ARMINA A. CHING
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THE HONORABLE CLAYTON HEE, CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawai`i

February 22, 2011

RE: S.B. 1068; RELATING TO ANIMAL CRUELTY.

Chair Hee, Vice-Chair Shimabukuro, and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of Senate Bill 1068, along with a friendly amendment to the exception language.

The purpose of Senate Bill 1068 is to amend Hawaii Revised Statutes, Section 711-1108.5, to add "killing any pet animal belonging to another person" among the list of acts that constitute cruelty to animals in the first degree. This would also add an exception for the humane killing of any pet animal by an animal control officer, duly incorporated humane society, duly incorporated society for the prevention of cruelty to animals, or duly authorized governmental agency (underlined portion is suggested as a friendly amendment, for internal consistency).

In 2007, the Legislature enacted Section 711-1108.5, based--in part--on research indicating that violence against pet animals has a profound impact on pet owners and their families. Many pet owners form a close emotional bond and/or relationship with their pet animals, and consider their pets to be akin to a family member. Although the current language of Section 711-1108.5 clearly prohibits the torture, mutilation and/or poisoning of a pet animal, it does not expressly address any other methods of killing. For instance, if a pet animal is shot from close-range, stabbed in the heart, or otherwise killed instantly, it is unclear whether the perpetrator's actions would currently qualify under the definition of animal cruelty. This "loophole" must be closed immediately, and this type of behavior strongly discouraged.

For this reason, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports Senate Bill 1068, with the friendly amendment indicated above. Thank you for the opportunity to testify on this matter.

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 18, 2011 1:04 PM
To: JDLTestimony
Cc: mmmmahalo2000@aol.com
Subject: Testimony for SB1068 on 2/22/2011 10:15:00 AM

Testimony for JDL 2/22/2011 10:15:00 AM SB1068

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Mike Moran
Organization: Individual
Address:
Phone:
E-mail: mmmmahalo2000@aol.com
Submitted on: 2/18/2011

Comments:

Aloha Chair Hee and committee members, Please strongly support this bill to help rid our island home of this depraved practice killing or torturing another's pets and animals.
Mahalo, Mike Moran Kihei, HI

From: Debra Bringman [DebraB@financefactors.com]
Sent: Friday, February 18, 2011 11:31 AM
To: JDLTestimony
Subject: In support of SB1068

SB 1068

Testimony

Status

RELATING TO ANIMAL CRUELTY.

Provides that killing, or attempting to kill, the animal of another person without that persons consent constitutes animal cruelty in the first degree. Adds exemptions for animal cruelty in the first degree.

I am in full support of SB1068. Tougher penalties need to be placed on individuals who kill or attempt to kill another person's pet – unless it is in self-defense or for the protection of another (person or animal).

Debra Bringman

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 18, 2011 1:38 PM
To: JDLTestimony
Cc: web@cartoonistforchrist.org
Subject: Testimony for SB1068 on 2/22/2011 10:15:00 AM

Testimony for JDL 2/22/2011 10:15:00 AM SB1068

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Lee McIntosh
Organization: Individual
Address:
Phone:
E-mail: web@cartoonistforchrist.org
Submitted on: 2/18/2011

Comments:

Mr. Chair and Members of the Committee on Judiciary and Labor:

Aloha, my name is Lee McIntosh. I live in Kau on the Big Island. My family owns two dogs, and I support the idea of trying to protect our animals from those who would try to harm them. But I have some concerns about section 1(1)(b). There are no provisions for killing an animal in self-defense or when protecting your own animals. I would like to see these protections incorporated into this bill. Thank you for the opportunity to testify on SB 1068.

From: Joel Fischer [jfischer@hawaii.edu]
Sent: Friday, February 18, 2011 2:55 PM
To: JDLTestimony
Subject: SB1068; JDL; 2/22/11; 10:15AM; Rm 016

Importance: High

SB1068, Relating to Animal Cruelty
JDL; Chair, Sen Hee

STRONG SUPPORT!

I am very grateful to the sponsors of this bill, and to Sen Hee for holding this hearing. This bill is long overdue; it will hold responsible people who brutally and sometimes even randomly decide to attack or injure another person's animal, no matter how the attack takes place.

This bill recognizes just how important the human-animal bond is, and is another step toward seeking justice for the animals that cannot speak out for themselves.

Thank you for passing this bill.

Aloha, joel

Dr. Joel Fischer, ACSW
Professor (Ret.)
University of Hawai'i, School of Social Work
Henke Hall
Honolulu, HI 96822

"It is reasonable that everyone who asks justice should DO justice."
Thomas Jefferson

"There comes a time when one must take a position that is neither safe, nor politic, nor popular, but one must take it because one's conscience tells one that it is right."
Dr. Martin Luther King, Jr.

"Never, never, never quit."
Winston Churchill

It is better to be "over the hill" than under it.
Anonymous

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 18, 2011 3:24 PM
To: JDLTestimony
Cc: teriontheupside@aol.com
Subject: Testimony for SB1068 on 2/22/2011 10:15:00 AM

Testimony for JDL 2/22/2011 10:15:00 AM SB1068

Conference room: 016
Testifier position: comments only
Testifier will be present: No
Submitted by: Teri Lawrence
Organization: Individual
Address:
Phone:
E-mail: teriontheupside@aol.com
Submitted on: 2/18/2011

Comments:

You can tell how our Nation is to prosper in how our people treat pur animals. I cant believe we need a bill for this. What a sname that people have no shame.

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 18, 2011 5:00 PM
To: JDLTestimony
Cc: suelyn_tran@yahoo.com
Subject: Testimony for SB1068 on 2/22/2011 10:15:00 AM

Testimony for JDL 2/22/2011 10:15:00 AM SB1068

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: SueLyn Tran
Organization: Individual
Address:
Phone:
E-mail: sueLyn_tran@yahoo.com
Submitted on: 2/18/2011

Comments:

Dear Committee Members:

I am in support of SB1068. I think it's pertinent to include in the bill that an "attempt" of killing a pet animal is considered animal cruelty in the first degree. If they are not legally punished for attempting to kill an animal, then what will deter them from trying again? Thank you for putting forth time and effort to fine tune our animal cruelty statute. SueLyn Tran

From: Toni Whiteside [twhiteside@mauihumanesociety.org]
Sent: Saturday, February 19, 2011 7:19 AM
To: JDLTestimony
Cc: 'Jocelyn Bouchard'
Subject: support SB 1068 and SB 1069 relating to animal cruelty

Dear Senator Clayton Hee, Chair and members of the Judiciary and Labor committee,

I supports both bills SB 1068 and 1069, however I am requesting some amendments in SB1068: Exemption for cropping or docking Sec. 1 (2) (c) be deleted and that the term "humane killing" Sec.1 (2) (d) be replaced with "humane euthanasia according to the American Veterinary Medical Association accepted standards"

Thank you,
Toni Whiteside

From: Barbara Steinberg [h2ocolor@webtv.net]
Sent: Saturday, February 19, 2011 8:54 AM
To: JDLTestimony
Subject: SB1068

The pet of a person if killed is a crime and should be a law against it .Pets are family members and deserve protection of one .

No one has the right to kill a family member . As my children in my class say "animals are like us but just look different and should be protected"

Barbara Steinberg
Kihei

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 19, 2011 6:45 PM
To: JDLTestimony
Cc: AKOE002@hawaii.rr.com
Subject: Testimony for SB1068 on 2/22/2011 10:15:00 AM

Testimony for JDL 2/22/2011 10:15:00 AM SB1068

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Eric Ako DVM
Organization: Hawaii Veterinary Medical Association
Address:
Phone:
E-mail: AKOE002@hawaii.rr.com
Submitted on: 2/19/2011

Comments:

The HawaiiVMA strongly supports SB1068 with amendments.

Sec1.(2)(c)which exempts ear cropping or tail docking,should be deleted as it might be misinterpreted as allowing a person other than a licensed veterinarian to perform these procedures.

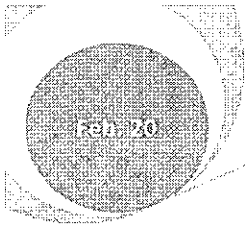
Sec1(2)(d)uses the term "humane killing" which should be replaced with "humane euthanasia according to AVMA accepted standards."The American Veterinary Medical Association,our parent,is an international leader and authority regarding euthanasia.

Please support SB1068,the less victims the better.

Respectfully yours,
Eric Ako DVM
Executive Vice President
Hawaii Veterinary Medical Association

From: Anita Wintner [anitabanana@hawaiiantel.net]
Sent: Sunday, February 20, 2011 8:12 AM
To: JDLTestimony
Subject: support for SB 1068

I support this bill. Anita Wintner Kihei, Maui



RELATING TO ANIMAL CRUELTY

Support SB 1068

RELATING TO ANIMAL CRUELTY

PROVIDES THAT KILLING, OR ATTEMPTING TO KILL, THE ANIMAL OF ANOTHER PERSON WITHOUT THAT PERSONS CONSENT CONSTITUTES ANIMAL CRUELTY IN THE FIRST DEGREE.

I, Angela Kaaihue, support SB 1068.

I have had my goats stolen, and killed. People trespass at night, break in, and steal my animal livestock. I knew some of the suspects, but didn't have the proof. Harsher criminal penalties may have deterred thieves from stealing. I've also had neighbors who have threatened to kill my goats or animals if they wandered into their yard. I've requested for them to call and notify us, and we will remove the animal ourselves. But because KEENAN MINAMI, an employee of the STATE OF HAWAII, DEPARTMENT OF AGRICULTURE, his parents whom OWN agriculture land adjacent to mine has a GUN because of his employment, he has threatened to shoot and kill my harmless animals if they wandered into his parents yard. Even though he is OFF-DUTY.

The animals are harmless and are very scared of humans, so do not pose as a threat to humans, yet because of animosity between neighbors, he has threatened to shoot or kill my animals without my permission, because of other easement and trespassing issues they are accused of and in retaliation. Perhaps because Keenan Minami wants to justify a reason to use his gun, killing and shooting at my goats, even when they are on my property. This is animal cruelty and is no reason to shoot my goats!! My goats deserve the utmost respect and protection which would reflect Hawaii State Laws and Policies.

If people knew that killing animals, livestock, or stealing of them is to be considered a first degree offense, then perhaps people will think twice before stealing. If they are caught, then they will deserve the harsher punishment. Protecting our food sources and becoming self-sustaining and not so dependent on imported foods is essential and viable for our survival.

People who help strive to help Hawaii achieve these goals for Food Sustainability should be provided the necessary support to protect Hawaii's livelihood.



RELATING TO ANIMAL CRUELTY

The 3 necessities & essential for survival:
FOOD-SHELTER-CLOTHING
“Without these, we would not survive!”
Testimony of Angela Kaaihue

A subsidiary of Waimalu Valley Ranch
PO 2056, Pearl City, HI. 96782

From: Spikecat1@aol.com
Sent: Sunday, February 20, 2011 12:20 PM
To: JDLTestimony
Subject: Support SB 1068 relating to animal cruelty

Dear Senator Clayton Hee, Chair and members of the Judiciary and Labor Committee,

We are writing in support of SB 1068 which would strengthen existing law regarding animal cruelty to pets. We ask for 2 amendments 1) that the exemption for cropping or docking be deleted and 2) that the term "humane killing" be replaced with "humane euthanasia according to the American Veterinary Medical Association accepted standards".

Sincerely yours,
Judith Aikawa, MD
Ronald Aikawa, MD
37 Apali Way
Kula, HI 96790

From: Claire Sheehan [csheehan@mauihumanesociety.org]
Sent: Monday, February 21, 2011 9:08 AM
To: JDLEstimony
Subject: support SB 1068 relating to animal cruelty

Aloha, Senator Clayton Hee, Chair, and members of the Judiciary and Labor committee,

Please support SB 1068 with the following ammendments added

1 Please delete the exemption for ear cropping and tail docking.

2 Please change the terminalogy " humane killing presently in" Sec.1 (2) (d) and replace with "humane euthanasia wjich the perfered terminalogy according to the American Veterinary Medical Association accepted standards"

Mahalo,

Claire M. Sheehan



Maui Humane Society
 P.O. Box 1047
 Pu'unene, Hawaii 96784
 P# 808.877.3680 - F# 808.877.5033
 www.mauihumanesociety.org

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Dr. Miyo Kim, DVM



February 21, 2011



Re: SB1068



Dear Senator Hee and members of the Judiciary and Labor Committee;



I am writing to ask for your support of SB 1068 which would strengthen our existing animal cruelty laws. I would ask for the following amendments:



- That the exemption for cropping or docking Sec.1 (2) (c) be deleted and,
- That the term "humane killing" Sec. 1 (2) (d) be replaced with "humane euthanasia" according to standards established by the American Veterinary Medical Association.



With these amendments the Maui Humane Society will be in total support of this bill.



Thank you for this opportunity to testify.



Sincerely,




Jocelyn Bouchard, CAWA
 CEO, Maui Humane Society



The Maui Humane Society is committed to building lifelong bonds between people and animals through education, community outreach and the prevention of cruelty.



Providing Love. Preventing Cruelty.