



**Office of the Public Defender
State of Hawaii**



Timothy Ho, Chief Deputy Public Defender
Testimony of the Office of the Public Defender,
State of Hawaii to the House Committee on Judiciary

March 17, 2011, 2:00 p.m.

RE: S.B. 1069, SD1: Relating To Cruelty to Animals

Chair Keith-Agaran and Members of the Committee:

This measure would repeal the current dog fighting statute and replace it with cruelty to animals by fighting dogs in the first and second degree.

The Office of the Public Defender opposes S.B. 1069, SD1.

Section 4 of this measure takes our current dog fighting statute and increases the penalty from a class C felony to a class B felony, and in section 1, inserts a new statute, creating the offense of dog fighting in the second degree, a class C felony. Anyone caught betting and/or attending a dogfight, or possessing any device to enhance a dog's fighting ability would be guilty of dog fighting in the second degree.

First of all, why do we need to increase the penalty for dog fighting from a potential five (5) year prison term to a ten (10) year term? Is it because our current law has not deterred people from engaging in dog fighting? Do we have a dog fighting epidemic? I have been employed with the Office of the Public Defender for twenty-three years, and have not known of a single case prosecuted under the dog fighting statute. The State of Hawaii does not have a dog fighting problem. We need to be focusing our attention, and resources elsewhere. Every year, during our legislative session bills are introduced to criminalize previously non-criminal behavior. Other measures are introduced to increase the penalties of our current laws. While some measures have merit and deserve your attention, each measure that is eventually enacted into law impacts our criminal justice system and adds to an already strained system.

Secondly, while the proposal to create the offense of dog fighting in the second degree may have some merit, the penalty (class C felony) is extremely harsh. The penalty for participating in a chicken fight on Oahu is a petty misdemeanor, punishable by a fine of between \$250.00 and \$1,000.00 and thirty (30) days in jail. If this legislature creates a second degree offense of dog fighting, we urge you to make it punishable as a petty misdemeanor, and first degree kept as a class C felony.

Finally, we urge you to replace the proposed language in section 4 of this measure with the original language in Section 711-1109.3, subsections (a) through (c). S.B. 1069, SD1 would punish anyone who knowingly "owns, trains, transports,

possesses, breeds, sells, transfers or equips any dog with the intent that the dog shall be engaged in a dogfight." There is potential for innocent breeders and/or people to be prosecuted and accused of a knowing act which is imputed upon them by the actions of a dog fighter. The current language proscribes owning or training a dog used for fighting, and does not include transport, possess, breed, sell, transfer or equips. We believe that the proposed language in section 4 is overbroad.

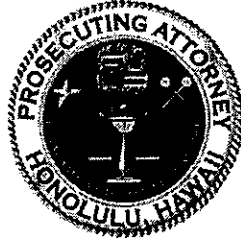
We oppose S.B. 1069, SD1. Thank you for the opportunity to comment on this bill.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO
PROSECUTING ATTORNEY

ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY



THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Twenty-sixth State Legislature
Regular Session of 2011
State of Hawai'i

March 17, 2011

RE: S.B. 1069 S.D. 1; RELATING TO CRUELTY TO ANIMALS.

Chair Keith-Agaran, Vice Chair Rhoads, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of Senate Bill 1069, Senate Draft 1.

The purpose of Senate Bill 1069, Senate Draft 1 is to amend Chapter 711, Hawaii Revised Statutes, to create separate offenses for fighting dogs in the first and second degrees. With these amendments, fighting dogs in the second degree would include those who knowingly wager on or attend a "dog fight," within specific definitions of the term "attend," and fighting dogs in the first degree would encompass those involved in putting on a "dog fight" and/or handling the dogs.

The Department of the Prosecuting Attorney supports this bill's policy goal of decreasing or eliminating fighting dogs, which is a cruel and unacceptable activity, and further agrees with its goal to address "demand" as well as "supply" for the industry.

An issue is whether the law can punish a person who "attends" a "dog fight"? There is a Hawaii case that struck down an ordinance that penalized persons who merely attend a "chicken fight." In that case, the Supreme Court of Hawaii held that "An ordinance or statute proscribing presence, whether at a cockfight, a gambling game, or house of prostitution, is too vague to satisfy the requirements of due process." *State of Hawaii v. Abellano*, 50 Haw. 384, 386, 441 P.2d 333, 334, (Haw. 1968). The court further stated, "Unless the activity at which presence is unlawful is in a narrowly confined place, determination of what constitutes presence at the activity can be resolved only on the basis of policy." *Id.* at 334-335. The court explained that it

is a legislative function to make a clear policy determination in defining the activity in which presence is unlawful.

It is important to note that the Supreme Court of Tennessee held that a "Statute prohibiting persons from knowingly being present at a cockfight or similar exhibition, or at a place where preparations are being made for such an exhibition, is a valid exercise of police power and does not improperly infringe upon freedom of association, mobility or any other constitutionally protected right, and is reasonably related to the legislative purpose of discouraging and prohibiting the cruel practice of animal baiting and fighting, whether for gambling purposes or otherwise." State of Tennessee v. Tabor, 678 S.W.2d 45, (Tenn. 1984).

Similarly, Senate Bill 1069, Senate Draft 1 proposes similar language of "knowingly attends or pays to attend a dogfight." Such language is more narrowly defined than just mere "presence" that was stricken down by the Supreme Court of Hawaii. State of Hawaii v. Abellano, 50 Haw. 384, 441 P.2d 333, (Haw. 1968).

The Court of Appeals of Oregon went further than the Supreme Court of Tennessee's decision to uphold "knowingly attend" as constitutional when it held that "statutes establishing the offense of attempted involvement in animal fighting are not unconstitutionally vague in violation of the Federal Due Process Clause or Article I, sections 20 and 21 of the Oregon Constitution." State of Oregon v. Hartrampf, 118 Or.App. 237, 239-240, 847 P.2d 856, 857 (Or. Ct. App. 1993).

Although the rulings by the Supreme Court of Tennessee and the Court of Appeals of Oregon are not binding authority in Hawaii as case law precedence, these rulings are persuasive should Senate Bill 1069, Senate Draft 1 pass into law and get challenged in the Hawaii courts as a "case of first impression." However, the ultimate decision would still be in the hands of the Hawaii courts.

Based on the foregoing, the Department of the Prosecuting Attorney of the City and County of Honolulu supports Senate Bill 1069, Senate Draft 1. Thank you for the opportunity to testify on this matter.



HAWAIIAN HUMANE SOCIETY

2700 Waiālae Avenue
Honolulu, Hawaii 96826
Telephone: 946-2187
Fax: 955-6034
www.hawaiianhumane.org

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The Hawaiian Humane
Society is dedicated to
promoting the human-
animal bond and
the humane treatment of
all animals.

March 16, 2011

Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair
Committee on Judiciary

RE: Senate Bill 1069, SD1

Dear Chair Keith-Agaran, Vice Chair Rhoads and Members of the
Committee on Judiciary:

We believe that Hawaii's laws that prohibit animal fighting and cruelty
will be strengthened by your support of SB 1069, SD1 to specifically
address dog fighting as a blood sport and those who attend them.

Hawaii ranks last in terms of having the nation's weakest dog-fighting
laws and we do believe that it is being practiced here in our islands.
Deputized by HPD to enforce state and county animal cruelty laws, we
have received reports of dog fights after they have taken place, solicitation
of bets, bait dogs that have been killed and found, as well as underground
websites that promote local dog fighting.

This bill before the Committee on Judiciary would effectively prohibit the
use of dog-fighting equipment, betting, use of bait dogs, and attending a
dog fight – all of which would help the Humane Society and law
enforcement partners statewide in their efforts to pursue such cases and
investigations.

Forty percent of Oahu's households have dogs. Dogs are companions and
not tools for cruelty and profit.

We ask for your unwavering support, which would stand as a strong
message to dog fighters that we are aware that this inhumane blood sport
does exist in our islands and dog fighters and all participants should be
prosecuted to the fullest extent of the law.

Your support of SB 1069, SD1 will help strengthen Hawaii's animal
protection laws. Thank you for the opportunity to provide testimony in
strong support of SB 1069, SD1.

Sincerely Yours,

Pamela Burns
President and CEO

JUDtestimony

From: Janet Hyrne [janethyrne@yahoo.com]
Sent: Monday, March 14, 2011 12:11 PM
To: JUDtestimony
Subject: Support SB1069 SD1 Relating To Cruelty To Animals (Dog Fighting)

Aloha Chairman Keith-Agaran, Vice Chair Rhoads, and the Committee on Judiciary:

I am writing to state my support for SB1069 SD1 Relating to Cruelty to Animals (Dog Fighting) and ask for your support of this bill as well. As members of a civilized community, it is inexcusable for us to stand by allow such inhumane and cruel treatment of innocent animals. While the human participants benefit financially from this barbaric "sport," the dogs who are forced to fight suffer immensely. Such cruelty must stop now.

Please vote yes in support of SB1069 and take a stand against cruelty to animals in any form.

Sincerely,
Janet Covington
808-291-5321

JUDtestimony

From: sue leonard [sl600sl@yahoo.com]
Sent: Monday, March 14, 2011 11:21 AM
To: JUDtestimony
Subject: SB1069

I am in support of SB1069. It should never be legal to attend a dog fight, nor to organize a dog fight. This is unhumane treatment of the animals before, during and after the dog fight. This type of organized dog fights need to be terminated entirely. If there is no dog fight, there is no attendance, period. Please sign SB1069.

JUDtestimony

From: Darlene Ferrantino [darlenejof@yahoo.com]
Sent: Monday, March 14, 2011 10:32 AM
To: JUDtestimony

Dear Committee Members,

I am in favor of bills 1069 and 1533. Both represent cruelty to animals which I oppose. Spectators that attend dog fights should be prosecuted along with those who organize the dog fights, on two counts: inhumane treatment to animals and gambling. Any unnecessary killing of animals goes against the grain of treating animals humanely. Please support these two bills.

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JUDtestimony

From: STEPHANIE M. [aloharunner@hotmail.com]
Sent: Saturday, March 12, 2011 3:13 PM
To: JUDtestimony
Subject: SUPPORT SB 1069 DOG FIGHTING BILL

Hawaii needs this law to prohibit dog fighting which is a very cruel and inhumane activity...please support it! Stephanie McLaughlin, 95-310 Haakualiki Place, Mililani, Hawaii, 96789, phone (808)384-4764, email: aloharunner@hotmail.com



Aloha from ...

Stephanie McLaughlin

"Be the change you wish to see in the world"

JUDtestimony

From: Joel Fischer [jfischer@hawaii.edu]
Sent: Saturday, March 12, 2011 2:24 PM
To: JUDtestimony
Subject: SB1069; JUD; 3/17; 2PM, Rm 325

Importance: High

SB1069, SD1, Relating to Cruelty
JUD; Chair, Rep Keith-Agaran

STRONG SUPPORT!

Once again, I am very grateful to the sponsors of this bill, and to Rep Keith-Agaran for holding this hearing. This bill is long overdue; it recognizes that the current laws of Hawai'i are among the weakest in the nation in protecting dogs from the brutal, anachronistic practice of training dogs to fight and kill each other. There is no stronger sign of a decaying society than to allow animals to be brutally killed FOR SPORT!! Honestly, I know what I am talking about here. I have a favorite cousin who raises dogs for and engages in dog fighting. Although we are close, I have not been able to persuade him to stop; I pray this bill will do just that.

I cannot think of a more important animal-related bill in the legislature this year; finally, the residents of our state can stand up and be counted as building basic standards of civilization regarding our beloved dogs into our laws.

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

JUDtestimony

From: Rosemary Karlsson [rosemarykarlsson@gmail.com]
Sent: Sunday, March 13, 2011 2:00 PM
To: JUDtestimony
Subject: Support SB 1069

Dear Honorable Chair Agaran, Vice-Chair Rhoads and Committee Members:

Please **SUPPORT SB 1069**. Hawaii ranks 50th in the nation with the weakest dogfighting law because there is NO penalty for attending a dogfight. Spectators who attend and gamble at such spectacles fuel the continuation of this cruel activity. Please support the critical "attendance" provision.

Everyone who attends is just as guilty as the person organizing the dogfight.

Rosemary Karlsson
PO Box 492266
Keeau, HI 96749
808-966-6589

JUDtestimony

From: J. Bennett [enchantedeartharts@hawaii.rr.com]
Sent: Sunday, March 13, 2011 2:26 PM
To: JUDtestimony
Subject: SB 1069 testimony

Chairman Keith-Agaran, Vice Chair Rhoads and the Committee on Judiciary

Re; Support SBI069 SDI Relating To Cruelty To Animals (Dog Fighting)

Aloha, and greetings from the North Shore;

I am sorry I will not be there in person to support legislation requiring more humane treatment of Hawaii's animals. I have been to breeders of animals in person. I am appalled that human beings treat them the way they do. Unfortunately, when money enters the scene, morality and ethics tend to decline.

I urge you to make the strongest laws possible and the fines the HIGHEST possible to act as a real deterrent to inhumane treatment. Only one person needs to be made an example of to change a whole generation.

That being said, please ensure that the monitoring and enforcement infrastructure is in place. We want to make sure this law works!

It is said that the measure of a society is how it treats the least among them. I would think here in Hawaii, these poor unfortunate animals qualify for that title. I sure would hate to see scenes of abused animals in Hawaii on TV for the whole nation to see. All it would take is one video on the internet to have the whole world think we are backwards and barbaric. Look at what damage the video of the owl being kicked did! Let us be proactive for ALL of our communities highest good.

**most sincerely,
J Bennett
637-5681, Mokuleia**

JUDtestimony

From: Donna Whitaker [exec.dir@hihs.org]
Sent: Sunday, March 13, 2011 3:54 PM
To: JUDtestimony
Subject: Support SB 1069

Dear Honorable Chair Agaran, Vice-Chair Rhoads and Committee Members:

Please **SUPPORT SB 1069**. Hawaii ranks 50th in the nation with the weakest dogfighting law because there is NO penalty for attending a dogfight. Spectators who attend and gamble at such spectacles fuel the continuation of this cruel activity. Please support the critical "attendance" provision.

This important provision will help protect the dogs, as well as provide some punishment for the spectators of this cruel blood sport.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

Donna Whitaker
Executive Director
Hawaii Island Humane Society
808-329-8002
808-329-7375 Fax

JUDtestimony

From: Ronda Page [rondapage@rocketmail.com]
Sent: Sunday, March 13, 2011 3:33 PM
To: JUDtestimony
Subject: HB 1133

Dear Honorable Chair Agaran, Vice-Chair Rhoads and Committee Members:

Please **SUPPORT SB 1069**. Hawaii ranks 50th in the nation with the weakest dogfighting law because there is **NO** penalty for attending a dogfight. Spectators who attend and gamble at such spectacles fuel the continuation of this cruel activity. Furthermore, many adults engaged in these activities include their children, exposing them to criminal practices and criminal mentality at a very early age, desensitizing them to pain, cruelty, and immoral values at very young ages.

Please support the critical "attendance" provision for the benefit of both our children and our pets.

To: Hawaii Legislatures

From: Casey Hewes, (808) 454-7381, hewes@hawaii.edu

Meeting Date: Monday March 13, 2011

Subject: Bill 1069

I am a private citizen and I represent the rights of Hawaii's animals. I am supporting Bill 1069. We must improve the efforts to punish and deter these horrendous crimes.

I have enjoyed the companionship of my dog for many years as many of Hawaii's citizens. They are gentle companions by nature and we must ensure their protection. They are unable to defend themselves so we have the responsibility to speak on behalf of these gentle and faithful companions.

I feel very strongly and support any initiative to end the exploitation of these highly intelligent and emotionally developed creatures. You are in the position to show your constituents you truly defend the rights of the underprivileged and underrepresented.

The evidence is indisputable that dog fighting is obviously bad for the animals but also for the community that embraces violence and other illegal activity.

In conclusion, I am a supporter of Bill 1069 not from the perspective of an animal activist but as a human who understands the responsibility we have to care for these loving animals. We are sending a clear message to offenders we will no longer tolerate this activity in our great state. Thank you for your time and consideration.

Sincerely,
Casey Hewes

JUDtestimony

From: Merwite [merwite@aol.com]
Sent: Sunday, March 13, 2011 8:27 PM
To: JUDtestimony
Subject: Please support SB 1069

Please support this bill that will make being in attendance at a dog fight a crime also.

It has been impossible for the Humane Society to shut these dogfighting rings down due to this loop hole.

Surely the people watching are just as much at fault as those bringing the dogs to fight.

It is an ugly sport. **If we want to allow gambling let's make something like bingo legal.** Thank you. Selene Mersereau

JUDtestimony

From: Green Earth Media Hawaii [info@gemhawaii.com]
Sent: Monday, March 14, 2011 12:05 AM
To: JUDtestimony
Subject: SB 1069 - Dogfighting

Dear Honorable Chair Agaran, Vice-Chair Rhoads and Committee Members:

Please **SUPPORT SB 1069**. Hawaii ranks 50th in the nation with the weakest dogfighting law because there is NO penalty for attending a dogfight. Spectators who attend and gamble at such spectacles fuel the continuation of this cruel activity. Please support the critical "attendance" provision. We're ashamed that our beautiful state with such a warm spirit of aloha for visitors and residents does not extend this same support and compassion to our animal companions.

Please help reverse our disgraceful record by voting from your conscience reminding yourself that the dogs subjected to this cruel practice could be your own beloved family pet.

Respectfully,

Andrea & Ganshet Nandoskar

440 Lewers Street #702

Honolulu, HI 96815

JUDtestimony

From: Judy Mick [ppchawaii@yahoo.com]
Sent: Sunday, March 13, 2011 9:36 PM
To: JUDtestimony
Subject: SB 1069

Aloha Chair Agaran and Vice Chair Rhoads-

I am writing to ask for your support for SB 1069 as Hawaii needs make attending cruel and inhumane dogfights illegal and punishable by law. "Attendance" is the critical word. It is the only way we can make significant inroads into abolishing this horrible activity from our state. We must end the fact that Hawaii has the weakest laws against dogfighting in the entire 50 states. Please strongly support this measure. Mahalo. Judy Mick, Kailua

From: Margaret Kearns [margaretekearns@gmail.com]
Sent: Monday, March 14, 2011 5:41 PM
To: JUDtestimony
Subject: Support SB 1069

Dear Honorable Chair Agaran, Vice-Chair Rhoads and Committee Members:
Please SUPPORT SB 1069. Hawaii ranks 50th in the nation with the weakest dogfighting law because there is NO penalty for attending a dogfight. Spectators who attend and gamble at such spectacles fuel the continuation of this cruel activity. Please support the critical "attendance" provision.

From: Mary Markl [ahimsamary99999@gmail.com]
Sent: Monday, March 14, 2011 5:07 PM
To: JUDtestimony
Subject: Support SB1069

The spectators are the main reason dogfighting happens. If there are no customers, there is no dogfighting. This is why it is crucial that the spectators are held totally accountable also for this cruelty. Many people can remember a time being bullied on some level whether outside or a family member to and a number of people feel they have no one to turn to who understands and protect them. But there is the media these days that is starting to address that and they can get help somewhere at some point likely. Now imagine that multiplied to the total degree. Not only are you bullied but you will be murdered for someone's viewing fun either as bait or as punishment if you lose or other severe punishment. You had done nothing wrong, but were an innocent child or being as our fellow dogs are. They are terrorized, trapped into this and it is supported by the attendees that make this evil possible. The world looks to Hawaii more and more as a model and is highlighted especially as the birthplace of the president. All over the world there are tv's in the most modest shops and dwellings of American television news and programs. This is also an international destination between east and west. Only you have the power to stop this cruelty for those terrorized animals. Hawaii is noted at the bottom on compassion on this issue. You must stop this now and not cop out and leave the crucial clause on attendees out or you will be as guilty as the attendees who destroys all of these innocent animals lives and accountable to spirit. Please make Hawaii more humane and safe for all and show evil will not be tolerated. Encourage sports where no one is forced, volunteerism, talk groups, etc. as an alternative to vicious sadistic behavior to innocent beings.

Thank you.
Ahimsamary99999

From: INSPIREVISION@aol.com
Sent: Monday, March 14, 2011 4:29 PM
To: JUDtestimony
Subject: re:SB1069

Dear Honorable Chair Agaran, Vice-Chair Rhoads and Committee Members:

Please **SUPPORT SB 1069**.

Please do everything in your power to Bring an end to this horrible cruelty to dogs and tragic bait dog victims!

Hawaii ranks 50th in the nation with the weakest dogfighting law because there is NO penalty for attending a dogfight. Spectators who attend and gamble at such spectacles fuel the continuation of this cruel activity. Please support the critical "attendance" provision.

Jane Shiraki

Honolulu

From: kathy [kathym@hawaii.rr.com]
Sent: Monday, March 14, 2011 2:40 PM
To: JUDtestimony
Subject: SB1069

Dear Honorable Chair Agaran, Vice-Chair Rhoads and Committee Members:
Please **SUPPORT SB 1069**. Hawaii ranks 50th in the nation with the weakest dogfighting law because there is NO penalty for attending a dogfight. Spectators who attend and gamble at such spectacles fuel the continuation of this cruel activity. Please support the critical "attendance" provision.

Please support,
Kathy Esposito-Mason

From: Denise Snyder [scott101@hawaii.rr.com]
Sent: Tuesday, March 15, 2011 8:16 AM
To: JUDtestimony
Subject: Support SB1069 SD1 Relating to Cruelty to Animals (Dog Fighting)

Please support SB1069 and help stop dog fighting in Hawai'i. Cruelty to dogs used in fights usually extends beyond the fights themselves – including inhumane living conditions and inadequate nutrition.

Denise Snyder
4952 Mana Place
Honolulu, Hawai'i 96816

From: Marijke Schaf [marijkeschaf@hotmail.com]
Sent: Tuesday, March 15, 2011 7:22 AM
To: JUDtestimony
Subject: "Support SB1069 SD1 Relating to Cruelty to Animals (Dog Fighting)."

I support SB 1069 (SD1): Relating to Cruelty to Animals, Crimes; Dog Fighting; Animal Cruelty.
Thanks!
Marijke from Hawaii

JUDtestimony

From: MaryLee Greenlee [mermaid3@hawaiiantel.net]
Sent: Tuesday, March 15, 2011 9:49 AM
To: JUDtestimony
Subject: SB 1069 SD1

I am writing to show my support for the afore mentioned bill that is soon to be on the docket. Personally, I can't imagine that there could be anyway other to to vote YES to this bill. But, I just want to make sure that my voice is heard when it comes to animal cruelty and animal rights. There is nothing sporting about dog fighting. These poor creatures are unwilling participants in these instances. And, there is nothing less than a barbaric mentality that allows and encourages such a sport. I believe that anyone found participating in such activities should be not only fined but face felony charges that will result in a long term prison sentence. Therefore I ask that in all good consciousness that you vote YES to SB 1069 SD1

JUDtestimony

From: leslie lai [mauilai@yahoo.com]
Sent: Tuesday, March 15, 2011 8:53 AM
To: JUDtestimony
Subject: support for SB1069

To The People That Can Protect And Save Our Dogs From Abuse:

Please do not let our animals continue to suffer for sport.

Please make the punishment for these crimes severe enough to deter those who might be inclined to pay a small sum in order to continue their moneymaking deadly games.

Aloha,
Leslie Lai

March 15, 2011

TESTIMONY – SB 1069 – Relating to dog fighting. SUPPORT

Thursday, March 17th, 2:00 PM, Room 325, State Capitol

House Judiciary Committee

Dear Honorable Chair Agaran, Vice Chair Rhoads and Committee Members

Dog fighting is a fact and major changes need to happen to protect these dogs. Insensitive and uncaring individuals carry on this sadistic activity without any thought to the dog's wellbeing or the physiological effect it is having on the spectators. It is not only the dogs that fight but the bait animals they throw them in training.

It is well documented, by the various police departments, that gambling and drugs are a big part of this activity. Anyone attending such a fight is equally guilty of this crime. Without spectators and gambling there would be no fights

Children brought to such a fight are desensitized and taught to think that fighting dogs, even with the injuries they sustain and sometimes deaths that occur, is perfectly o.k.

We feel that the fine should be doubled for anyone who brings a youth under 18.

Passing this law is a big step and in the right direction to improving our animal welfare laws which have been sorely lacking.

Please pass this law and help Hawaii start to become a leader in the care and protection of their animals.

A quote from Mahatma Gandhi "A COUNTRY OR CIVILIZATION CAN BE JUDGED BY THE WAY IT TREATS ITS ANIMALS."

Thank you for this opportunity to testify.

Ginger Towle - President – West Hawaii Humane Society

Box 2695, Kailua-Kona, Hawaii 96740

Phone 808-329-2051

Support SB1069 SD1 Relating to Cruelty to Animals

March 15, 2011

Animal cruelty is much more than a barbaric act during civilized times. The cruel acts inflicted on these animals expose the violence and lack of conscience capable from the humans committing them. Their behavior is a sure sign that they are capable of anything, including acts of violence towards human kind. Please pass this measure to ensure the safety of all of us, animals and humans alike.

Thank you,

Gillian PedrettiBell

JUDtestimony

From: ELLEN LECLAIR [ELECLAIRE@HAWAII.RR.COM]
Sent: Tuesday, March 15, 2011 10:30 AM
To: JUDtestimony
Subject: SB1060

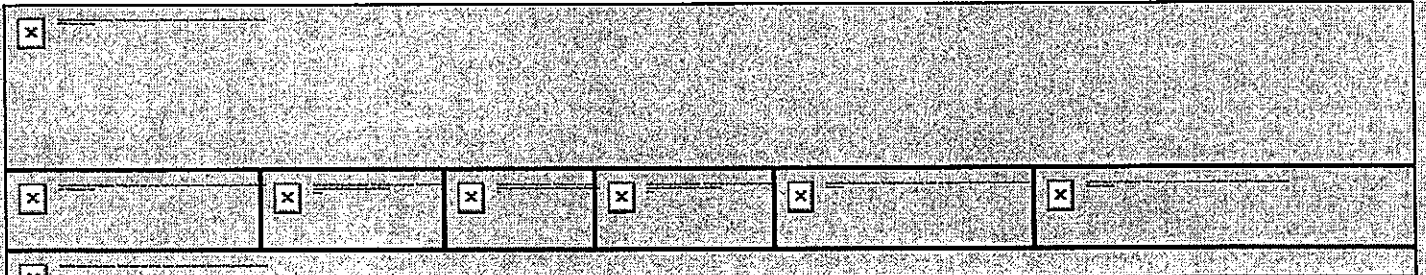
I SUPPORT BILL SB1069. STOPE THE DOG FIGHTING CRUELTY NO PLEASE.

JUDtestimony

From: EditorMolokai Advertiser-News George Peabody [MolokaiMAN@BasicISP.net]
Sent: Tuesday, March 15, 2011 10:14 AM
To: JUDtestimony
Cc: Molokaiman@basicisp.net
Subject: Support SB 1069 (SD 1) Increasing Penalties for Dog Fighting

TESTIMONY to judgetestimony@capitol.hawaii.gov : "Support SB1069 SD1 Relating to Cruelty to Animals (Dog Fighting)."
I support SB 1069 (SD1): Relating to Cruelty to Animals, Crimes; Dog Fighting; Animal Cruelty.

--- newsmanager@peta.org wrote:



Dear Geo G.,

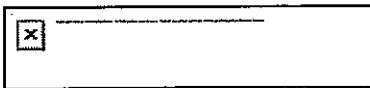
At 2 p.m. on March 17, a public hearing is scheduled before the House Judiciary Committee in conference room 325 at the Hawaii State Capitol to review SB 1069, which establishes the offense of cruelty to animals by fighting dogs in the second degree, increases the penalty for cruelty to animals by fighting dogs in the first degree, and clarifies dogfighting and cruelty-to-animals laws (SD1). This bill has already passed through the Senate chamber.

There is nothing remotely "sporting" about sports that involve unwilling animal participants. For the animals who are forced to participate in them, these activities are no game—they are about survival. Even the "winners" emerge physically and emotionally scarred—and the losers pay with their lives. Animals who are used in dogfighting are typically kept chained outdoors in horrific conditions with little or no shelter. They are starved, drugged, and beaten to make them aggressive. If they don't die in the fighting ring, the "losers" are killed by their trainers—often by being electrocuted, drowned, hanged, burned, or shot. Many others are abandoned to die slowly from their injuries.

Hawaii's long-suffering "fighting dogs" are counting on you. Legislation is often passed or failed based on comments from constituents. Your voice is needed! Please do the following:

- Submit testimony before 4 p.m. on March 16 via e-mail to judgetestimony@capitol.hawaii.gov or via [online form](#) with a subject line that reads: "Support SB1069 SD1-Relating to Cruelty to Animals (Dog Fighting)."
- Contact [legislators](#) directly.
- Attend the committee meeting, which will be held at [415 S. Beretania St.](#), State Capitol Room 325, Honolulu, HI 96813.

Please take action to protect dogs used in illegal dogfighting activity. Tell legislators that you *support* SB 1069 (SD1): Relating to Cruelty to Animals, Crimes; Dog Fighting; Animal Cruelty.



Thank you for your willingness to act and for your compassion for animals.

Sincerely,

Michele Rokke
Special Projects Coordinator
Cruelty Investigations Department
People for the Ethical Treatment of Animals

[Click to update your e-mail preferences or to unsubscribe.](#)
This e-mail was sent by PETA, 501 Front St., Norfolk, VA 23510 USA.

JUDtestimony

From: Alvin Park [apark44@hotmail.com]
Sent: Tuesday, March 15, 2011 2:37 PM
To: JUDtestimony
Subject: Support SB1069 SD1 Relating to Cruelty to Animals (Dog Fighting).

As a Hawai'i resident for over 19 years, I have been reminded time and time again of the disgustingly lax laws we have regarding cruelty to animals. SB 1069 will be much anticipated bill that will finally bestow dogs the protection that they deserve.

There is nothing remotely "sporting" about sports that involve unwilling animal participants. For the animals who are forced to participate in them, these activities are no game—they are about survival. Even the "winners" emerge physically and emotionally scarred—and the losers pay with their lives.

Animals who are used in dogfighting are typically kept chained outdoors in horrific conditions with little or no shelter. They are starved, drugged, and beaten to make them aggressive. If they don't die in the fighting ring, the "losers" are killed by their trainers—often by being electrocuted, drowned, hanged, burned, or shot. Many others are abandoned to die slowly from their injuries.

We, as a state, have been long overdue on passing this bill. Let's not keep our furry, four-legged friends waiting any longer.

Thank you.

JUDtestimony

From: Lena [corporateflowers@hawaii.rr.com]
Sent: Tuesday, March 15, 2011 10:25 AM
To: JUDtestimony
Subject: Please Put and End to this unnecessary Horrific Violence

Please take a moment and image yourselves as these abused animals at the mercy of these crazy owners. Any one can own a dog, animal, but it takes a responsible human to take care of one. Not everyone deserves to own an animal, it should be a privilege.....

Mahalo for your time and please make Hawaii a better place for our animals, they deserve an advocate to speak up for them.

Erica Freitas

JUDtestimony

From: Skippy [freitase003@hawaii.rr.com]
Sent: Tuesday, March 15, 2011 10:19 AM
To: JUDtestimony
Subject: Stop dog fighting its 2011

I humbly ask that the board, make dog fighting, cock fighting, animal abuse and neglect offenders face the stiffest penalty possible. This is America and we do not need to adhere to cultures from people's ethnicity, we are in America and need to follow America's cultures....

These poor animals do not deserve to be made to fight for their lives, we can put a man on the moon but still subject ourselves with barbaric entertainment that benefits no one except violent, demented spectators.

Thank you for you time and consideration in helping our world become a step closer to humanity.

Lena Freitas

JUDtestimony

From: Phyllis Tavares [p.tavares@earthlink.net]
Sent: Tuesday, March 15, 2011 12:22 PM
To: JUDtestimony
Subject: please vote in favor

SB 1069
SB 1533

JUDtestimony

From: Sue Scott [sue@kauaibeach.com]
Sent: Tuesday, March 15, 2011 11:54 AM
To: JUDtestimony
Subject: Please support SB 1069

Dear legislators,

I am writing to urge you to support SB 1069 (SD1). Increasing the penalties for using animals in such an inhumane is the first step toward ending this violent practice.

Teaching compassion toward animals relates directly to treating your fellow citizens with respect and compassion. Our communities pay the penalty for blood sport activities like dogfighting with more violence and crime in our neighborhoods.

Please take this cruelty seriously. Use the strongest penalty and enforce it to end this horrific offense against our animal defenseless friends and our citizens.

Thank you,

Sue Scott
6931 Pomaikai St.
Kapaa, HI 96746

JUDtestimony

From: Leila Lipton [lilamuriel@msn.com]
Sent: Tuesday, March 15, 2011 11:21 AM
To: JUDtestimony
Subject: Dog Fighting

To All Who Have Compassion For God's Creations:

One of the most cruel practices of man(un)kind is in brutalizing innocent creatures to make them defensive and willing to fight and kill to protect themselves. Those of us who aware of the horrors of these practices, must do all in our power to end them. On behalf of Hawaii's citizens, I thank you for all you do to make this a more humane state.

Sincerely,
Leila Lipton

JUDtestimony

From: Victoria B. Anderson [vanderso@hawaii.edu]
Sent: Tuesday, March 15, 2011 11:06 AM
To: JUDtestimony
Subject: Please SUPPORT SB 1069.

Dear Honorable Chair Agaran, Vice-Chair Rhoads and Committee Members:

Please do the right thing by animals, and **SUPPORT SB 1069**. Hawaii ranks 50th in the nation with the weakest dogfighting law because there is **NO** penalty for attending a dogfight. Spectators who attend and gamble at such spectacles fuel the continuation of this cruel activity. Please support the critical "attendance" provision.

mahalo nui,

--

Victoria Anderson
Associate Professor of Linguistics
University of Hawai'i at Manoa
[http://www2.hawaii.edu/~vanderso/
vanderso@hawaii.edu](http://www2.hawaii.edu/~vanderso/vanderso@hawaii.edu); 808-956-5830

Sabbatical: Fall 2010 and Spring 2011

 Please consider the environment before printing this e-mail.

Avoid cruelty to animals.

Choose a vegetarian diet.

Every little bit helps.

JUDtestimony

From: Tavii@aol.com
Sent: Tuesday, March 15, 2011 6:50 PM
To: JUDtestimony
Subject: STOP ALL DOG-FIGHTING IN HAWAII

There is so much cruelty in this dog fighting and why__money evil blood money!!!!!! We urge you to pass stronger penalties to have this stopped,,We want all dog-fighting STOPPED in Hawai'i NOW

We also want to have stronger laws passed on how people can treat their dogs. Just down the road from our home 2 pit bulls are chained up,,we finally called the humane society as these dogs had no cover from the rain,,rarely got fed and never have been touched after age 3 months. It's extremely sad that many of us who "used" to walk our dogs past that house no longer can not only because the pit bull in front goes nuts but they also have 3 of those little kine dogs who have the run and come out at us nipping our feet & ankles. When the humane society did come to view the situation at least the owners had to get small containers for the pitbulls to get out of the rain but they have out grown these yet the humane society says still "it's adequate-sufficient"....we spoke to the president of B.I. shelters,,she told us Hawai'i is 30 years behind in the laws for how people can treat thier pets,,,,,why do people have pets only to abuse them???????

*Sincerely,
the Zeffilini's*

JUDtestimony

From: Diyonne Raines [diyonnehawaii@yahoo.com]
Sent: Tuesday, March 15, 2011 5:24 PM
To: JUDtestimony
Subject: "Support SB1069 SD1 Relating to Cruelty to Animals (Dog Fighting)."

Diyonne Raines
808-375-5228

I am shocked and dismayed that so many people still participate in dog fights as gambling, entertainment or whatever reason people do something so cruel and inhumane. Many, if not all, of these dogs are kept in horrible living conditions and are often left to die from starvation and their wounds from their fights. Not only do these dogs get horribly injured during these fights but if these dogs do not fight and perform to the standards that they are expected they are usually very badly beaten and often times even killed by their owners. They get regularly beaten, hit, kicked and I'm sure many other things that I don't even want to imagine, only in order to train the dogs to be vicious and aggressive. They are kept as if they are inanimate objects and trained specifically kill.

Not only is this unbelievably cruel and immoral to the dogs but it is very dangerous to many people. Training a dog to be so vicious and to kill is extremely frightening because I know that a dog, especially a big pit bull, could kill an adult and easily kill a child. This puts many people's lives at risk because a dog that is this powerful and angry would be able to escape and get loose probably quite easily if it gets the chance.

I'm sure that similar to chicken fighting, the main or ONLY reason that people participate in dog fighting is to gamble, as a benefit nothing and no one but themselves. Not only is this horrible activity is illegal within itself but it promotes and causes the additional illegal activity of gambling.

Please increase the penalty of anyone involved with this horrible, inhumane and disgusting "hobby". I also ask that you urge our local police and law enforcement officers to crack down and keep their eyes open for any indications of dog fighting in Hawai'i. It makes me sick to think that people can be so selfish and heartless to do this to other animals and people simply for their own benefit.

Thank you,
Elsa Watanabe
Concerned Hawaii Resident

Dear Honorable Chair Agaran, Vice-Chair Rhoads and Committee Members,

My name is Theresa Donnelly, and I am urging you to pass SB 1069, relating to dogfighting. Extending the current cruelty laws to punish those who attend dogfights is long overdue. **A 2009 fact sheet from the Humane Society of the United States reveals that 48 States already consider being a spectator at a dogfight either a misdemeanor or felony.** It is a travesty that in our State of aloha, a spectator can still legally attend or stage a dogfight.

It is no secret that those who attend dogfights are also associated with other illegal activities, such as drug dealing and illegal gambling. Anyone who enjoys this blood-thirsty activity has no empathy for animals. **This despicable practice is a stain to our humanity.** Hawaii should be a place of compassion and pride. Hawaii's laws need to reflect a moral collective consciousness and passing this bill will demonstrate that.

We need laws that hold everybody who participates accountable and need to stop using excuses like family tradition as justification for inhumane treatment. **The public needs to understand that dogfighting happens here in Hawaii and can only be stopped with the combination of an intense public education campaign and stronger laws.** We must be a State that sets the example for the nation, not the one with the weakest animal protection laws.

Thank you for your time in reading this testimony.

Theresa Donnelly
Secretary, Boxer Club of Hawaii
3021 Anderson Ave
Honolulu, HI 96818

JUDtestimony

From: Robyn Blaisdell [blue2.indigo@yahoo.com]
Sent: Tuesday, March 15, 2011 7:23 PM
To: JUDtestimony
Subject: INCREASING PENALTIES FOR DOG FIGHTING AND CRUELTY TO ANIMALS

Gentlemen:

As a resident of Hawaii, I am writing to you to ask that you do increase the penalties for cruelty to animals across the boards. There are too many people that have animals, or are in charge of them that neglect or mistreat them. People need to be educated on the proper way to take care of animals, making sure they are fed, watered, and checked on regularly, not just stuck out in the backyard and forgotten about. Or, used for illegal activities.

This is a very important part of improving the care and custody of animals. When people finally realize they will be fined and/or imprisoned for mistreatment of animals, then we will have a start at reversing damage already done.

Thank you for your help in this extremely important matter.

Sincerely,

Robyn M. Blaisdell
blue2.indigo@yahoo.com

JUDtestimony

From: Annalia Russell [annaliakauai@gmail.com]
Sent: Tuesday, March 15, 2011 8:37 PM
To: JUDtestimony
Subject: Support SB1069 SD1 Relating to Cruelty to Animals (Dog Fighting)

Please take action to protect dogs used in illegal dogfighting activity. I, and many others who do not take the time to write you, support SB 1069 (SD1): Relating to Cruelty to Animals, Crimes; Dog Fighting; Animal Cruelty.

There is nothing remotely "sporting" about sports that involve unwilling animal participants. For the animals who are forced to participate in them, these activities are no game—they are about survival. Even the "winners" emerge physically and emotionally scarred—and the losers pay with their lives. Animals who are used in dogfighting are typically kept chained outdoors in horrific conditions with little or no shelter. They are starved, drugged, and beaten to make them aggressive. If they don't die in the fighting ring, the "losers" are killed by their trainers—often by being electrocuted, drowned, hanged, burned, or shot. Many others are abandoned to die slowly from their injuries.

In true Aloha - original meaning - "I intend, not merely wish, your very best for YOU!"

"Creator Presence within and throughout all - every one, everything."

Annalia, Ph.D., D.D. CCT

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"None are more hopelessly enslaved than those who falsely believe they are free." -Goethe

The 1st step to wisdom is silence, the 2nd is listening.

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JUDtestimony

From: Barbara [barbarasdigs@gmail.com]
Sent: Wednesday, March 16, 2011 7:41 AM
To: JUDtestimony
Subject: Support SB 1069 SDI Relating to cruelty to Animals

Aloha,

Please support this bill. It is not only the animals who are affected, dogs who are taught to fight are dangerous to humans when they escape.

Sincerely,
Barbara Guiliano
4807 B Hauaala Road
kapaa, HI 96746

JUDtestimony

From: Roshani Samarasinghe [manoaroshi@yahoo.com]
Sent: Wednesday, March 16, 2011 2:06 AM
To: JUDtestimony
Subject: Please help!

Dear friend of the innocent,

Please do something, it just isn't fair to use innocent beautiful dogs like this. There are so many other ways for people to spend money, make money, and enjoy entertainment.

May the Mana flow and protect these animals of Hawai'i. Time has come for us to think of abuse differently to save all, and teach the abusers to be powerful protectors of all.

Please hear our prayers,

Roshani

JUDtestimony

From: Patricia Lawrence [11patriciamaria@gmail.com]
Sent: Tuesday, March 15, 2011 10:48 PM
To: JUDtestimony
Subject: Support SB 1069 (SD1): Relating to Cruelty to Animals, Crimes; Dog Fighting; Animal Cruelty.

To whom it may concern.....

Please stop all cruelty to animals - NOW!!!! And that doesn't just relate to dogs, but ALL animals!!!!

So not only dog fighting is barbaric and cruel, but so is cock fighting that still goes on extensively on the islands.

It's a sick mind that derives entertainment from this kind of fighting and is a crime against Nature and the gifts that we receive from it.

I wholly support SB 1069!!!!!!!!!!!!!!!

And, let's not only pass this bill, but also actively enforce it, so that these animal fights don't go 'underground' and merely become hidden from the public eye.

To pass a bill into law without actively enforcing it, makes a farce of the law!

Thank you for your attention!

Patricia Lawrence

JUDtestimony

From: Kate Brenton [kmbrenton@gmail.com]
Sent: Tuesday, March 15, 2011 10:40 PM
To: JUDtestimony
Subject: Support SB1069 SD1 Relating to Cruelty to Animals (Dog Fighting)

Thank you for reading my email.

I am earnestly thanking you, to grant animals the right to their lives: not to be chained, beaten and abused to be thrown into a ring to destroy each other.

Let us return to respecting life, respecting the intelligence of canines and the humanity of humans, by charging this as the crime that it is.

Mahalo nui loa,
Kate Brenton

--

Wisdom of One Blog
www.wisdomofone.com
Awakening the Brilliance Within

Support sb1069sd1 "cruelty to animals/dog fighting"

Ana [ana_lisa_59@yahoo.com]

Sent: Wednesday, March 16, 2011 2:53 PM

To: JUDtestimony

The people that commit this kind of traumatic cruelty get away with it almost completely Scott free if not entirely. Please help the animals that are involved in this horrendous crime because a bunch of people like myself can say all these things and try to help stop it but ultimately the power to make a huge difference lies with you. So many people, even out of the state would be so thankful if the punishment for dog fighting was heightened because its the only way to deter these criminals from continuing. Thank you very much for your time and please make the best decision.

Sincerely,
Ana Pettit



**THE HUMANE SOCIETY
OF THE UNITED STATES**

TO: Honorable Chair Agaran, Vice-Chair Rhoads and Committee Members

House Judiciary Committee, 3-17-11, 200pm, Rm 325

RE: Testimony in SUPPORT of SB1069 SD1; Relating to Dogfighting

Submitted by: Inga Gibson, Hawaii State Director, The Humane Society of the United States,
P.O. Box 89131, Honolulu, HI 96830, igibson@hsus.org, 808-922-9910

On behalf of our more than 49,000 members and supporters of The Humane Society of the United States in Hawaii, we thank you for this opportunity to speak in strong support of **SB1069 SD1**.

Why this law, specifically, the “knowingly attends” provision, is needed: In a national ranking of dogfighting laws, Hawaii ranked 50th with the weakest law, primarily because there is no penalty for attending an organized dogfight. Under our existing law, one would need to be literally caught in the act of dogfighting, which, due to the clandestine nature of such activity, is extremely rare. If law enforcement were to encounter a dogfight in progress, under current law, participants could simply claim they were mere spectators and face no penalty.

We worked extensively with the Honolulu Prosecuting Attorney’s office on the proposed “attendance” provision, which was based on language found in other state animal fighting laws, and that has been upheld in other states, including the 9th Circuit Court of Appeals.

Attendees, who are knowingly present and/or wager on such spectacles, drive the profit associated with dogfighting, keeping this “blood-sport” alive. Because dogfighting itself is illegal, and therefore not widely publicized, attendees do not merely happen upon a fight, they seek it out, through prior agreement, and thus support the continuation of this criminal activity.

The proposed bill would also add language relating to those who possess, breed, raise, sell or transport dogs for fighting purposes, including explicitly prohibiting the use of stray or stolen pets as “bait” to train fighting dogs. Under our current law, dogfighters could claim they only breed or sell fighting dogs and not be subject to any charges. Dogfighters could also claim they don’t legally “own” the dog which can be difficult for law enforcement to establish.

This critical measure would bring Hawaii’s law in line with the rest of the country and provide law enforcement with more comprehensive tools to investigate and charge those involved with illegal dogfighting. Furthermore, upgrading our law serves as a deterrent for those who may consider becoming involved in illegal dogfighting activity and sends a clear message to the community that dogfighting is a cruel and serious crime that will not be tolerated.

We respectfully urge your passage of SB 1069 SD1, and retention of the critical attendance penalty.