

**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 Senate Committee on Judiciary and Labor**

February 22, 2011, 10:15 a.m.

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

**LATE TESTIMONY**

Chair Hee 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 H.B. 1069.

Section 4 of this H.B. 108 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 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. Thank you for the opportunity to comment on this bill.

**LATE TESTIMONY**

February 18, 2011

Senator Clayton Hee, Chair  
 Senator Maile S.L. Shimabukuro, Vice Chair  
 Committee on Judiciary and Labor

**SUBJECT:** Support Senate Bill 1069 - relating to cruelty to animals

Dear Chair Hee, Vice Chair Shimabukuro and Members of the Committee on Judiciary and Labor:

We believe that Hawaii's laws that prohibit animal fighting and cruelty will be strengthened by your support of SB 1069 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.

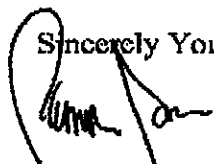
This bill before the Committee on Judiciary and Labor would effectively prohibit the use of dog-fighting equipment, betting, use of bait dogs, and attending a dog fight - all of which would help the Humane Society and law enforcement partners statewide in their efforts to pursue such cases and investigations.

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

Sincerely Yours,



Pamela Burns  
 President and CEO



**HAWAIIAN  
 HUMANE  
 SOCIETY**

2700 Waiāfāe Avenue  
 Honolulu, Hawaii 96826  
 Telephone: 846-2187  
 Fax: 955-6034  
 www.hawaiianhumane.org

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



# HAWAIIAN HUMANE SOCIETY

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Honolulu, Hawaii 96826  
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- Mary H. Weyand
- Rick Zwern

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

**To the Senate Sergeant-At-Arms Office**

**Senate Bill 1069**

**To be heard on Tuesday, February 22, 2011 at 10:15 a.m.**

**This is written testimony, which will be accompanied by oral testimony.**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 21, 2011 10:05 AM  
**To:** JDLTestimony  
**Cc:** daraperreira@hotmail.com  
**Subject:** Testimony for SB1069 on 2/22/2011 10:15:00 AM

**LATE TESTIMONY**

Testimony for JDL 2/22/2011 10:15:00 AM SB1069

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Dara Perreira  
Organization: Individual  
Address:  
Phone:  
E-mail: [daraperreira@hotmail.com](mailto:daraperreira@hotmail.com)  
Submitted on: 2/21/2011

**Comments:**

We are the worst in the nation as it relates to dogfighting laws. Please help this bill become law.

# LATE TESTIMONY

---

**From:** navaroh001@hawaii.rr.com  
**Sent:** Monday, February 21, 2011 11:35 PM  
**To:** JDLTestimony  
**Subject:** SB 1036

Dear Honorable Chair Hee, Vice-Chair Shimabukuro and Committee Members,

We live in the "Aloha State" and spread some of our Aloha Spirit to the animals is what we are all about. We need to help the animals, the community and to show our nation that we care and respect the welfare of our animals. People that are kind to animals are more likely to love children and respect the elderly. Hawaii should promote kindness to animals.

Please support SB 1069 to crack down on cruel dogfighting.

Hawaii ranks 50th in the nation with the weakest dogfighting law, primarily because we have no penalty for attending these cruel spectacles. This bill will also help to protect pets who are often used as "bait" to train fighting dogs, and better protect communities from related criminal activities such as illegal gambling, drugs, firearms and human violence.

Your Support SB 1069 is greatly appreciated!

Mahalo Nui Loa,

Helene Navaro

291-6109

[NavaroH001@hawaii.rr.com](mailto:NavaroH001@hawaii.rr.com)

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 21, 2011 10:06 AM  
**To:** JDLEstimony  
**Cc:** kelly.balmores@gmail.com  
**Subject:** Testimony for SB1069 on 2/22/2011 10:15:00 AM

## LATE TESTIMONY

Testimony for JDL 2/22/2011 10:15:00 AM SB1069

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Kelly Balmores  
Organization: Individual  
Address:  
Phone:  
E-mail: [kelly.balmores@gmail.com](mailto:kelly.balmores@gmail.com)  
Submitted on: 2/21/2011

**Comments:**

Fighting dogs for sport is unacceptable and those who even participate in watching or promoting it should be punished.

---

**From:** lele [dancercat3@hotmail.com]  
**Sent:** Monday, February 21, 2011 10:22 AM  
**To:** JDLEstimony  
**Subject:** SB1069

## **LATE TESTIMONY**

Aloha, Senator Hee, Chair, and members of the Judiciary and Labor committee; Dogs, as well as all animals, need our protection. We KNOW that they are being used by sick, perverted people as violent entertainment ,and feeding the greed of these people by having bets placed on them. These dogs are at our mercy. These people don't know what mercy is, so the laws need to be in full effect. It should go without saying. Seriously. Dogs are our companions. I thank you for doing the right thing. Sincerely, and in Trust, Kalei Jaramillo. (808) 276-4852. [dancercat3@hotmail.com](mailto:dancercat3@hotmail.com)

**SUPPORT**



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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 21, 2011 10:41 AM  
**To:** JDLTestimony  
**Cc:** susie567@verizon.net  
**Subject:** Testimony for SB1069 on 2/22/2011 10:15:00 AM

**LATE TESTIMONY**

Testimony for JDL 2/22/2011 10:15:00 AM SB1069

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Susan Irving  
Organization: Individual  
Address:  
Phone:  
E-mail: [susie567@verizon.net](mailto:susie567@verizon.net)  
Submitted on: 2/21/2011

Comments:  
The nation is watching!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 21, 2011 10:44 AM  
**To:** JDLTestimony  
**Cc:** heartsforanimals@gmail.com  
**Subject:** Testimony for SB1069 on 2/22/2011 10:15:00 AM

## **LATE TESTIMONY**

Testimony for JDL 2/22/2011 10:15:00 AM SB1069

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: JoAnn Chisholm-Dueno  
Organization:  
Address:  
Phone:  
E-mail: [heartsforanimals@gmail.com](mailto:heartsforanimals@gmail.com)  
Submitted on: 2/21/2011

**Comments:**

The absurdity, of having to address this issue is a whole other story. As intelligent, compassionate, morally correct human beings, we as a society must make a firm and final stand against the cruelty and injustices that are inflicted on all animals. Dog fighting for one must must be outlawed and have a hefty fine including jail time attached to ANY OFFENDERS!!!(spectators as well as participants) The consequences must be severe enough to cause this horrible past time to cease!  
Thank you for doing the right thing!  
JoAnn Chisholm-Dueno

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 21, 2011 11:48 AM  
**To:** JDLTestimony  
**Cc:** djdelhonda@gmail.com  
**Subject:** Testimony for SB1069 on 2/22/2011 10:15:00 AM

**LATE TESTIMONY**

Testimony for JDL 2/22/2011 10:15:00 AM SB1069

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Delvin Honda  
Organization: Individual  
Address:  
Phone:  
E-mail: [djdelhonda@gmail.com](mailto:djdelhonda@gmail.com)  
Submitted on: 2/21/2011

Comments:

February 21, 2011

# LATE TESTIMONY

Testimony - SB1069

State Judiciary and Labor Committee

Feb 22, 2011, 10:15am

Room 016

Committee Chair Hee & Vice Chair Shimabukuro

Please support SB 1069

We have the weakest dog fighting laws in the nation!! We have no penalty for attending these events. Large fines should be mandatory with an additional special extra fine for bringing a child to the event.

This cruel activity will continue unless we step forward and put a stop to it!!! This legislation is long overdue and I don't know how we can call ourselves the Aloha state when we allow this to continue as though this was a normal spectator sport. Children brought to these fights are desensitized.

This law will protect other pets used as "bait animals" and it's a well know fact that gambling and related criminal activities are a regular part of dog fights.

Thank you for this opportunity to testify.....we are counting on you!!

Ginger Towle – President

West Hawaii Humane Society

Box 2069

Kailua-Kona, Hi. 96740

Phone 808-329-2051

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 21, 2011 12:29 PM  
**To:** JDLTestimony  
**Cc:** sussmanr@hawaii.edu  
**Subject:** Testimony for SB1069 on 2/22/2011 10:15:00 AM

**LATE TESTIMONY**

Testimony for JDL 2/22/2011 10:15:00 AM SB1069

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Rachel Sussman  
Organization: Individual  
Address:  
Phone:  
E-mail: [sussmanr@hawaii.edu](mailto:sussmanr@hawaii.edu)  
Submitted on: 2/21/2011

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 21, 2011 12:30 PM  
**To:** JDLTestimony  
**Cc:** connella@hawaii.edu  
**Subject:** Testimony for SB1069 on 2/22/2011 10:15:00 AM

**LATE TESTIMONY**

Testimony for JDL 2/22/2011 10:15:00 AM SB1069

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Andrew Connell  
Organization: Individual  
Address:  
Phone:  
E-mail: [connella@hawaii.edu](mailto:connella@hawaii.edu)  
Submitted on: 2/21/2011

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 21, 2011 12:31 PM  
**To:** JDLTestimony  
**Cc:** lerr808@hotmail.com  
**Subject:** Testimony for SB1069 on 2/22/2011 10:15:00 AM

## LATE TESTIMONY

Testimony for JDL 2/22/2011 10:15:00 AM SB1069

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Linda Ross  
Organization: Individual  
Address:  
Phone:  
E-mail: [lerr808@hotmail.com](mailto:lerr808@hotmail.com)  
Submitted on: 2/21/2011

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 21, 2011 1:49 PM  
**To:** JDLTestimony  
**Cc:** fassante@hawaiianhumane.org  
**Subject:** Testimony for SB1069 on 2/22/2011 10:15:00 AM

**LATE TESTIMONY**

Testimony for JDL 2/22/2011 10:15:00 AM SB1069

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Frank Assante  
Organization: Individual  
Address:  
Phone:  
E-mail: [fassante@hawaiianhumane.org](mailto:fassante@hawaiianhumane.org)  
Submitted on: 2/21/2011

Comments:



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**From:** GSmith3777@aol.com  
**Sent:** Monday, February 21, 2011 3:41 PM  
**To:** JDLTestimony  
**Subject:** SB 1069

## **LATE TESTIMONY**

I Support SB 1069 RELATING TO CRUELTY TO ANIMALS. Hawaii should be ashamed of its lack of laws protecting animals. Please rectify this terrible situation by voting FOR these changes.

Betty T. Smith

Pearl City, HI

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 21, 2011 4:36 PM  
**To:** JDLTestimony  
**Cc:** cornucopia@clearwire.net  
**Subject:** Testimony for SB1069 on 2/22/2011 10:15:00 AM

## LATE TESTIMONY

Testimony for JDL 2/22/2011 10:15:00 AM SB1069

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Dr. Gina Bailey  
Organization: Individual  
Address:  
Phone:  
E-mail: [cornucopia@clearwire.net](mailto:cornucopia@clearwire.net)  
Submitted on: 2/21/2011

**Comments:**

It is clearly the time to pass such a bill. Hawaii ranks 50th in the nation with the weakest dogfighting laws. After this horrible and cruel practice has finally come to the public's national attention, it is time we outlaw such barbaric behaviors here at home.

Senate Judiciary and Labor Committee

Rachel Huff-Wagenborg, Oahu SPCA Volunteer  
91-1038 Kaileonui Street, Ewa Beach  
Home Phone: (808) 888-5698

**LATE TESTIMONY**

Date of Hearing: February 22, 2011 at 10:15am

**RE: Support SB 1069; Dogfighting**

TO: Honorable Chair Hee, Vice-Chair Shimabukuro and Committee Members

The recent pro-bowl that brought Michael Vick to Hawaii also renewed the awareness of dog fighting issues locally. Dog fighting is a major social problem that is associated with unethical and criminal behavior. Despite some claims that Hawaii is not affected by dogfighting, it is in fact present and nearly unpreventable with the limited dog fighting laws currently in place.

As a volunteer for the Oahu SPCA (Society for Prevention of Cruelty to Animals), an animal shelter in Kapolei, I encountered many rescued dogs, but one stands out in my memory. Tennyson is a bulldog mix with a sweet face and an even sweeter disposition. Unfortunately, his gentle kindness was also his vulnerability. When he was brought to the shelter as a rescue, his skin was peppered with scars, his ears were jagged and torn and his muzzle was carved with bite marks. Tennyson's affinity to licking volunteers' hands revealed teeth that had been filed down nearly to the gum line. The roots of his teeth were painfully exposed.

At first, he appeared to be the victim of mutilation, but upon closer interaction with Tennyson, we realized the likely source of these scars. Tennyson's mysterious past became clear; he was a bait dog. Baiting is an extremely cruel practice testing an animal's "fight instinct" on a dog with intentionally limited abilities to retaliate (clipped nails, filed teeth or taped-shut muzzle). Bait dogs are often mauled, like Tennyson, or killed in the process. Wherever dog fighting exists, baiting is surely to follow. And with local evidence of bait dogs, we can assert that dog fighting is present in Hawaii.

Dog fighting and the criminal activities associated with it: animal cruelty, gambling, drug related offenses, violence and gang activity, make this a priority issue for Hawaii – a state with the weakest dog fighting laws in the United States.

Please consider Tennyson when you vote on HB108 and help prevent other dogs from suffering the cruelties of dog fighting.

Respectfully,  
Rachel Huff-Wagenborg

---

**From:** Albert Andrews [AAndrews@washlaundry.com]  
**Sent:** Monday, February 21, 2011 8:20 PM  
**To:** JDLEstimony  
**Subject:** SB1069  
**Attachments:** image001.jpg

## LATE TESTIMONY

Dear honorable Chair Hee and Committee,

Please support this bill to crackdown on dog fighting. This activity is cruel to the animals and we currently have the weakest law in the nation. This activity is bad for the animals and bad for the community.

Mahalo,

---

**Al Andrews**

*Hawaii District Manager*



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---

**From:** Kealii Lum [kealii39@msn.com]  
**Sent:** Monday, February 21, 2011 8:43 PM  
**To:** JDLTestimony  
**Subject:** Support SB 1069 Relating to Cruelty to Animals

**LATE TESTIMONY**

I support this bill.

---

**From:** INSPIREVISION@aol.com  
**Sent:** Tuesday, February 22, 2011 2:45 AM  
**To:** JDLEvidence  
**Subject:** re: SB 1069

## **LATE TESTIMONY**

Dear Honorable Chair Hee, Vice-Chair Shimabukuro and Committee Members:

**Please support SB 1069.**

Please do everything in your power to protect animals from being used in dogfighting, and to protect animals from being used as horrible cruel bait.. Animal suffering should not be condoned at any time and swift action must be taken to ensure their proper protection.

Mahalo for caring and improving the lives of intelligent, loving, loyal creatures and for building a stronger foundation for a state committed to non-violence as a revered value.

Jane Shiraki

Honolulu, Hawaii

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 22, 2011 3:06 AM  
**To:** JDLTestimony  
**Cc:** paigeemail@yahoo.com  
**Subject:** Testimony for SB1069 on 2/22/2011 10:15:00 AM

**LATE TESTIMONY**

Testimony for JDL 2/22/2011 10:15:00 AM SB1069

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Paige Calahan  
Organization: Individual  
Address:  
Phone:  
E-mail: [paigeemail@yahoo.com](mailto:paigeemail@yahoo.com)  
Submitted on: 2/22/2011

Comments:  
I support this measure.



**Maui Humane Society**

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www.mauihumanesociety.org

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*Dr. Miyo Kim, DVM*

# LATE TESTIMONY

February 21, 2011

Re: SB1069

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

I am writing to ask for your support of SB 1069 which would strengthen our existing animal fighting and cruelty laws.

Blood sports such as dog fighting are cruel and barbaric. Since there is a well established link between violence to pets and violence to humans, we should all be concerned about anyone who considers this type of activity entertaining.

Hawaii is ranked lowest in the entire country for its weak animal fighting laws. People who fight dogs generally engage in other criminal activities including, but not limited to drugs, gambling and firearms.

Dogs are amazing animals and their intelligence and devotion can be seen clearly when they perform service such as seeing eye or wheelchair assistance. They have also been used for search and rescue, police work and therapy animals for a myriad of conditions. The vast majority of us simply have dogs as their companions but under no circumstances should we accept the used of dogs for cruelty and profit.

The Maui Humane Society urges you to support this important 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.*



---

**From:** g2@hokua.org  
**Sent:** Tuesday, February 22, 2011 7:06 AM  
**To:** JDLTestimony  
**Subject:** SB 1069, Relating to dogfighting

## **LATE TESTIMONY**

Dear Honorable Chair Hee, Vice Chair Shimabukuro, and Committee on Judiciary and Labor,

I ask you to please support SB 1069, to expose dogfighting for what it truly is- a cruel and inhumane blood sport.

We know that it is happening here in our land of aloha, and we need to give our law enforcers the support that they need to crack down on this horrific form of "entertainment". Apart from the sheer torture of these helpless animals who are forced to fight to the bitter end, and the defenseless smaller dogs used as bait, other vices are related to dogfighting events, such as gambling and drugs. Gambling is the driving force behind dogfighting events. Therefore, it has to be illegal for people to attend these events or the promoters will always find a way to have one. Where there is money to be made, they will find a way to make it.

Thank you for the opportunity to provide testimony in strong support of SB 1069, and your kind consideration to support it.

Aloha,  
Ginny Tiu