
A BILL FOR AN ACT

RELATING TO ANIMALS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 142-75, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§142-75~~ **Human bitten by dog; duty of dog owners; action**
4 **against owner.** (a) The owner of any dog that has bitten a
5 human being shall have the duty to take such reasonable steps as
6 are necessary to prevent the recurrence of such incident.

7 (b) [~~Whenever~~] Except as provided in subsection (c),
8 whenever a dog has bitten a human being on at least two separate
9 occasions for which none of the exceptions specified in section
10 663-9.1 apply, any person may bring an action against the owner
11 of the dog in the district court of the judicial circuit in
12 which the owner resides, to determine whether conditions of the
13 treatment or confinement of the dog or other circumstances
14 existing at the time of the bites have been changed so as to
15 remove the danger to other persons presented by such animal.
16 The court, after hearing, may make any order it deems
17 appropriate to prevent the recurrence of such an incident,
18 including but not limited to the removal of the animal from the



1 area or its destruction by its owner. In making its decision,
2 the court may consider:

3 (1) The vicious or dangerous propensities of the animal;

4 (2) The ability of the owner to adequately confine or
5 remove the animal; and

6 (3) The necessity of any destruction of an animal in light
7 of the health, safety, and welfare of the community.

8 ~~[This section shall not preclude any existing common law
9 remedies.]~~

10 (c) Whenever a dog has bitten a human being, resulting in
11 serious bodily injury or death, and none of the exceptions
12 specified in section 663-9.1 apply, any person may bring an
13 action against the owner of the dog in the district court of the
14 judicial circuit in which the owner resides, for an order for
15 the destruction of the animal by its owner. In making its
16 decision, the court may consider:

17 (1) The vicious or dangerous propensities of the animal;
18 and

19 (2) The necessity to destroy the animal in light of the
20 health, safety, and welfare of the community.

21 (d) This section shall not preclude any existing common
22 law remedies.



1 [~~(e)~~] (e) Each county may enact and enforce ordinances
2 regulating persons who own, harbor, or keep any dog that has
3 bitten, injured, or maimed a person. No ordinance enacted under
4 this subsection shall be held invalid on the ground that it
5 covers any subject or matter embraced within any statute or rule
6 of the State; provided that the ordinance shall not affect the
7 civil liability of a person owning, harboring, or keeping the
8 dog. Upon enactment of an ordinance, whether enacted on,
9 before, or after June 30, 2001, the ordinance shall have full
10 force and effect; provided that the ordinance is consistent with
11 this section."

12 SECTION 2. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.
18

INTRODUCED BY: Mel Carroll
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Report Title:

Animals; Human Bitten by Dog; Action Against Owner

Description:

Provides that whenever a dog bites a human being, resulting in serious bodily injury or death, an action may be brought against the dog's owner for an order to destroy the animal.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

