
A BILL FOR AN ACT

RELATING TO ANIMAL CRUELTY.

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

1 SECTION 1. The legislature finds that it is important to
2 protect pet animals from cruel treatment and prevent pet animals
3 from unnecessary or prolonged suffering. Steel-jawed leg-hold
4 traps were originally designed to capture fur-bearing animals
5 such as bears, fox, beavers, and other animals that are not
6 present in Hawaii. Snares and foot- or leg-hold traps were
7 designed to capture other non-domesticated animals.

8 Unfortunately, domesticated pet animals are frequent
9 victims of snares and may also become victims of steel-jawed
10 leg-hold, conibear, or foot- or leg-hold traps. Cases have been
11 reported of dogs and cats found dead or severely injured after
12 being caught in these devices, or chewing off their own limbs in
13 an attempt to escape these devices.

14 The legislature further finds that existing laws and
15 administrative rules do not prohibit or regulate the use of
16 steel-jawed leg-hold, conibear, foot- or leg-hold traps or
17 snares, all of which can be easily purchased on the Internet.

18 The purpose of this Act is to:



- 1 (1) Establish an animal cruelty offense for the use of
- 2 steel-jawed leg-hold traps, and the use of snares,
- 3 conibear, and foot- or leg-hold traps in residential
- 4 areas;
- 5 (2) Provide exemptions for activities carried out by state
- 6 and federal agencies; and
- 7 (3) Establish the offense as a misdemeanor.

8 SECTION 2. Chapter 143, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§143- Reporting of dog or cat captured or killed in
12 snare or trap. Any dog or cat captured or killed in any steel-
13 jawed leg-hold trap, snare, conibear trap, or foot- or leg-hold
14 trap, as those terms are defined in section 711- , in an area
15 zoned as residential shall immediately be checked for
16 identification and reported to a county animal control officer
17 and, upon request, shall be turned over to the animal control
18 officer."

19 SECTION 3. Chapter 711, Hawaii Revised Statutes, is
20 amended by adding a new section to be appropriately designated
21 and to read as follows:



1 "§711- Cruelty to animals by trapping. (1) A person
2 commits the offense of cruelty to animals by trapping if the
3 person intentionally, knowingly, or recklessly uses, sets, or
4 maintains:

5 (a) A steel-jawed leg-hold trap; or

6 (b) A snare, conibear, or foot- or leg-hold trap in an
7 area zoned as residential or any other area where such
8 trap is prohibited by law or rule; except under the
9 situations described in subsection (2).

10 (2) Subsection (1) shall not apply to:

11 (a) Persons carrying out accepted practices for rodent
12 control that do not involve the devices listed in
13 subsection (1); and

14 (b) Employees of state or federal agencies who are
15 carrying out activities required under a management
16 plan approved by state or federal agencies; pursuant
17 to a mandatory statutory duty for the protection of
18 species listed as threatened or endangered species, or
19 other wildlife species protected by law; or for the
20 protection of public health, safety, or property.

21 (3) As used in this section:



1 "Conibear trap" means a contrivance consisting of metal or
2 steel designed to kill by crushing the body or severing the
3 spinal cord of any animal.

4 "Foot- or leg-hold trap" means a contrivance consisting of
5 metal or steel that is off-set, padded or laminated, and is
6 designed to capture and hold any animal by a foot or limb.

7 "Snare" means a contrivance consisting of a noose,
8 regardless of material, designed to capture, trap, or kill any
9 animal or hold any animal by a foot, limb, or neck.

10 "Steel-jawed leg-hold trap" means a spring-powered
11 contrivance that captures or holds the limb of an animal by
12 exerting a lateral force with fix-mounted jaws.

13 (4) Cruelty to animals by trapping is a misdemeanor."

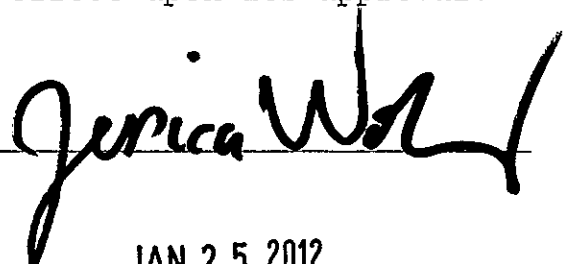
14 SECTION 4. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 5. New statutory material is underscored.

18 SECTION 6. This Act shall take effect upon its approval.

19

INTRODUCED BY:



JAN 25 2012



H.B. NO. 2854

Report Title:

Animal Cruelty; Trapping

Description:

Requires dogs or cats that are captured or killed in a snare or trap to be reported to a county animal control officer. Establishes an animal cruelty offense for the use of steel-jawed leg-hold traps, and the use of snares, conibear, and foot- or leg-hold traps in residential or other prohibited areas; provides exemptions for activities carried out by state and federal agencies; establishes the offense as a misdemeanor.

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

