

JAN 20 2012

A BILL FOR AN ACT

RELATING TO ANIMAL CRUELTY.

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

1 SECTION 1. Section 711-1109.2, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§711-1109.2 Forfeiture of animal prior to disposition of**
4 **criminal charges.** (1) If any pet animal or equine is impounded
5 pursuant to section 711-1109.1, prior to final disposition of
6 the criminal charge under section 711-1108.5, 711-1109, 711-
7 1109.3, 711-1109.6, or 711-1109.35, against the pet animal's or
8 equine's owner, any duly incorporated humane society or duly
9 incorporated society for the prevention of cruelty to animals
10 that is holding the pet animal or equine may file a petition in
11 the criminal action requesting that the court issue an order for
12 forfeiture of the pet animal or equine to the county or to the
13 duly incorporated humane society or duly incorporated society
14 for the prevention of cruelty to animals prior to final
15 disposition of the criminal charge. The petitioner shall serve
16 a true copy of the petition upon the defendant and the
17 prosecuting attorney.



1 (2) Upon receipt of a petition pursuant to subsection (1),
2 the court shall set a hearing on the petition. The hearing
3 shall be conducted within fourteen days after the filing of the
4 petition, or as soon as practicable.

5 (3) At a hearing conducted pursuant to subsection (2), the
6 petitioner shall have the burden of establishing probable cause
7 that the pet animal or equine was subjected to a violation of
8 section 711-1108.5, 711-1109, 711-1109.3, 711-1109.6, or 711-
9 1109.35. If the court finds that probable cause exists, the
10 court shall order immediate forfeiture of the pet animal or
11 equine to the petitioner, unless the defendant, within seventy-
12 two hours of the hearing:

13 (a) Posts a security deposit or bond with the court clerk
14 in an amount determined by the court to be sufficient
15 to repay all reasonable costs incurred, and
16 anticipated to be incurred, by the petitioner in
17 caring for the pet animal or equine from the date of
18 initial impoundment to the date of trial; or

19 (b) Demonstrates to the court that proper alternative care
20 has been arranged for the pet animal [-] or equine.



1 Notwithstanding subsection (3)(a), a court may waive, for good
2 cause shown, the requirement that the defendant post a security
3 deposit or bond.

4 (4) If a security deposit or bond has been posted in
5 accordance with subsection (3)(a), the petitioner may draw from
6 the security deposit or bond the actual reasonable costs
7 incurred by the petitioner in caring for the pet animal or
8 equine until the date of final disposition of the criminal
9 action. If the trial is continued to a later date, any order of
10 continuance shall require the defendant to post an additional
11 security deposit or bond in an amount determined by the court
12 that shall be sufficient to repay all additional reasonable
13 costs anticipated to be incurred by the petitioner in caring for
14 the pet animal or equine until the date of final disposition of
15 the criminal action, and the petitioner may draw from the
16 additional security deposit or bond as necessary.

17 (5) No pet animal or equine may be destroyed by a
18 petitioner under this section prior to final disposition of the
19 criminal charge under section 711-1108.5, 711-1109, 711-1109.3,
20 711-1109.6, or 711-1109.35, against the pet animal's or equine's
21 owner, except in the event that the pet animal or equine is so



1 severely injured that there is no reasonable probability that
2 its life can be saved.

3 (6) Forfeiture of a pet animal or equine under this
4 section shall not be subject to the provisions of chapter 712A.

5 (7) In addition to any reasonable costs incurred under
6 subsection (4) by the petitioner in the caring for the pet
7 animal or equine, the petitioner shall be entitled to an award
8 of attorney's fees and court costs incurred by the petitioner in
9 the filing of the petition for the forfeiture of the pet animal
10 or equine.

11 (8) As used in this section, "pet animal or equine"
12 includes any offspring born during the impoundment of the pet
13 animal or equine."

14 SECTION 2. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

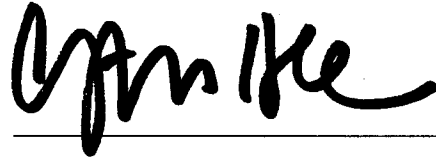
16 SECTION 3. This Act shall take effect upon its approval;
17 provided that the amendments made to section 711-1109.2, Hawaii
18 Revised Statutes, by section 1 of this Act shall not be repealed
19 when section 711-1109.2(1), (3), and (5), Hawaii Revised
20



S.B. NO. 2503

1 Statutes, is reenacted on July 1, 2015, pursuant to Act 149,
2 Session Laws of Hawaii 2011.
3

INTRODUCED BY:





S.B. NO. 2503

Report Title:

Cruelty to Animals; Equines

Description:

Extends procedures for impoundment and forfeiture for cruelty to animal offense to equines to the same extent as pet animals.

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

