

STAND. COM. REP. NO. 2451

Honolulu, Hawaii

MAR 01 2012

RE: S.B. No. 2486
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2486 entitled:

"A BILL FOR AN ACT RELATING TO THE PENAL CODE,"

begs leave to report as follows:

The purpose and intent of this measure is to include pets and
livestock as property that, if threatened to be damaged or harmed,
may constitute the offense of terroristic threatening.

Your Committee received testimony in support of this measure
from the Hawaiian Humane Society and fifty-four private
individuals. Testimony in opposition to this measure was
submitted by one private individual. The Office of the Public
Defender submitted comments.

Your Committee finds that this measure clarifies that
threatening to cause serious damage to the property of another
person includes threatening to damage or harm the pets and
livestock of that person under the terroristic threatening
offense. However, your Committee notes the concerns raised by the
Office of the Public Defender regarding language in this measure
that may be misinterpreted to mean that the defendant committed a
felony with the intent to terrorize the pet or livestock rather
than the person. This interpretation could result in the
prosecution having to prove that the pet or livestock animal felt
terrorized, which is difficult to prove.

As such, your Committee has amended this measure by:

2012-1124 SSCR SMA.doc



- (1) Removing language to clarify that the terrorization is to another person, not the pet or livestock animal;
- (2) Inserting a savings clause;
- (3) Inserting an effective date of July 1, 2050, to ensure further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2486, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2486, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* <i>SB2486</i>	Committee Referral: <i>JDL</i>	Date: <i>2/10/12</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	<input checked="" type="checkbox"/>			
SHIMABUKURO, Maile (VC)	<input checked="" type="checkbox"/>			
GABBARD, Mike	<input checked="" type="checkbox"/>			
IHARA, Jr., Les				<input checked="" type="checkbox"/>
SLOM, Sam				<input checked="" type="checkbox"/>
TOTAL	<i>3</i>			<i>2</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>[Signature]</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes