

STAND. COM. REP. NO.

2453

Honolulu, Hawaii

MAR 01 2012

RE: S.B. No. 2503
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. 2503 entitled:

"A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Add equines to those animals that may be subject to forfeiture prior to the final disposition of an animal cruelty case, upon a petition by certain entities for forfeiture of the animal;
- (2) Allow the petitioner an award of attorney's fees and court costs incurred by the petitioner in the filing of the petition for forfeiture of an animal; and
- (3) Cover any offspring born during a pet animal's or equine's impoundment under section 711-1109.2, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu, the Hawaiian Humane Society, and seventy-three private individuals.

Your Committee finds that Hawaii's animal cruelty laws acknowledge equine animals as companion animals like other pet animals that typically have special meaning to or a relationship



with their owners. However, the forfeiture law does not include equines that are often held in limbo during animal cruelty investigations. As such, this measure provides the same protections to equine animals that are afforded to pet animals.

Your Committee has amended this measure by:

- (1) Adopting the amendments suggested by the Hawaiian Humane Society to:
 - (A) Use "equine animal" throughout this measure rather than "equine" to be consistent with its definition;
 - (B) Amend section 711-1109.1, Hawaii Revised Statutes, relating to the impoundment of animals, to include equine animals;
 - (C) Allow the court discretion to determine whether attorney's fees shall be awarded to the petitioner and clarify that such award shall serve as restitution following the conviction of the defendant; and
 - (D) Clarify that a pet animal or equine animal includes any offspring from a pet animal or equine animal that was pregnant at the time of the rescue and born during the impoundment of the pet animal and equine animal;
- (2) Adding 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. 2503, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2503, 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



