

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY



THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Twenty-sixth State Legislature
Regular Session of 2011
State of Hawai'i

February 21, 2012

RE: H.B. 2679; RELATING TO ANIMAL CRUELTY.

Chair Keith-Agaran, Vice-Chair Rhoads and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of House Bill 2679.

The purpose of H.B. 2679 is to amend HRS §711-1109.2 to add equines to those animals that may be subject to forfeiture in the course an animal cruelty case, prior to final disposition of that case. We note that in 2008, the Legislature amended the offense of Cruelty to Animals in the First Degree (HRS § 711-1108.5) to include "equine animals," which is defined in HRS §711-1100 as "an animal of or belonging to the family of Equidae, including horses, ponies, mules, donkeys, asses, burros, and zebras."

Given that our animal cruelty laws now acknowledge equine animals as companion animals, on-par with other "pet animals" that typically have a special meaning to or relationship with their owners, the Department believes it would be appropriate to update the associated forfeiture law to reflect the same. Our only suggestions would be to change the proposed language from "equine" to "equine animal," to be consistent with definitions in HRS §711-1100, and to add language accounting for pregnant females carrying yet-unborn offspring.

For the reasons stated above, the Department of the Prosecuting Attorney of the City and County of Honolulu supports House Bill 2679. Thank you for the opportunity to testify on this matter.

**TESTIMONY OF ROBERT TOYOFUKU ON BEHALF OF THE HAWAIIAN
HUMANE SOCIETY IN SUPPORT OF H.B. NO. 2679**

Date: Tuesday, February 21, 2012
Time: 2:00 pm

To: Chairman Gilbert Keith-Agaran and Members of the House Committee on Judiciary:

My name is Bob Toyofuku and I am presenting this testimony on behalf of the Hawaiian Humane Society (HHS) in support of H.B. No. 2679 Relating to Animal Cruelty.

The purpose of this bill is to extend the current forfeiture law to apply to equine animals, to make it clear that it includes offspring of any impounded animal, and to allow the petitioner to recoup any attorney's fees incurred in the process.

In September 2011, after several months of caring for over 200 dogs rescued from a Waimanalo puppy mill, the HHS was awarded custody of all dogs in question as well as their 79 offspring. It was not guaranteed that the puppies born after the rescue would be forfeited and were at risk of being returned to the puppy mill owner. This bill will make it clear that the offspring will be included.

Also, the bill would add equine animals and a provision regarding attorney's fees incurred during the forfeiture process.

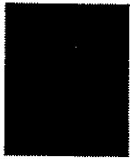
However, since the introduction of this bill several suggestions were made to refine the provisions of the bill and the suggested amendments are as follows:

1. The addition of the term "equine animal" instead of "equine" to HRS s. 711-1109.2 beginning on page 1, line 4 and inserted throughout the bill. This also presents an issue which requires an amendment to HRS 711-1109.1 which is limited only to "pet animals" which is defined in 711-1100 and does not include "equine animal". It appears that HRS 711-1109.1 also needs to be amended to

include equine animal. I believe that this can be done in this bill because of the title.

2. With regard to the provision on attorney's fees and costs on page 4, lines 5-10, we now feel that it is best if we change the word "shall" on line 7 to "may" so it is discretionary with the court, and add at the end of line 10 "as restitution following conviction of the defendant."
3. Lastly, regarding the reference to "offspring" on lines 11-13 on page 4, a suggestion to strengthen the provision is to make it clear that this only refers to offspring born from female animals which were pregnant at the time of rescue and impoundment. A suggestion is to amend that section to read on line 12 & 13 "includes any offspring from the pet animal or equine animal which was pregnant at the time of the rescue and born during the impoundment of the pet animal or equine animal."

Thank you for the opportunity to present this testimony in support of this bill with the suggested amendments.



Maui Humane Society

P.O. Box 1047
Pu'unene, Hawai'i 96784
P# 808.877.3680 · F# 808.877.5033
www.mauihumanesociety.org

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Community Outreach**

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Marty Davis

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Patty Brady

Director of Veterinary Services

Dr. Miyo Kim, DVM



February 20, 2012

TO: Judiciary Committee

RE: Support of HB2679

Dear Honorable Chair Keith-Agaran, Vice-Chair Rhoads, and House Judiciary Members:

I am writing in support of HB2679 which would extend procedures for impoundment and forfeiture for cruelty to animal offenses to equines and the off spring of animals rescued, and allows restitution for attorney fees.

The costs of housing horses are especially high and we have had cases here where we spent thousands of dollars and were never able to recoup these costs.

Thank you for your consideration of this bill.

Mahalo,

Jocelyn Bouchard, CAWA
CEO, Maui Humane Society

The Maui Humane Society is committed to building lifelong bonds between people and animals through education, community outreach and the prevention of cruelty.



**THE HUMANE SOCIETY
OF THE UNITED STATES**

TO: Honorable Chair Keith-Agaran, Vice-Chair Rhoades and Committee Members

House Judiciary Committee, 2-21-12, 200pm, Room 325

RE: Testimony in SUPPORT of HB2679; Relating to Animal Cruelty, Forfeiture

Submitted by: Inga Gibson, Hawaii State Director, The Humane Society of the United States,
P.O. Box 89131, Honolulu, HI 96830, igibson@hsus.org, 808-922-9910

On behalf of our more than 50,000 members and supporters in Hawaii, we thank the Committee for considering this important measure.

This bill would add important protection for equines and offspring born in custody of a humane society or animal care and control agency during a pending animal cruelty case. The recent case involving the forfeiture of more than 150 dogs on Oahu, many of whom were pregnant when seized and who gave birth while in custody, highlights the need for this law and that protection be extended to those offspring who may be born in custody.

Furthermore, current forfeiture law doesn't protect horses or other equine companions who deserve equal protection to pets in cruelty cases and are covered under both our misdemeanor and felony animal cruelty statutes.

We respectfully urge your support of HB 2679.



Maui Humane Society

P.O. Box 1047
Pu'unene, Hawaii 96784
P# 808.877.3680 · F# 808.877.5033
www.mauihumanesociety.org

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Dr. Mivo Kim, DVM



February 20, 2012

TO: Judiciary Committee

RE: Support of HB2679

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The costs of housing horses are especially high and we have had cases here where we spent thousands of dollars and were never able to recoup these costs.

Thank you for your consideration of this bill.

Mahalo,

Jocelyn Bouchard, CAWA
CEO, Maui Humane Society

The Maui Humane Society is committed to building lifelong bonds between people and animals through education, community outreach and the prevention of cruelty.



Testimony for HB2679 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, February 21, 2012 9:01 AM

To: JUDtestimony

Cc: owlit1@gmail.com

Testimony for JUD 2/21/2012 2:00:00 PM HB2679

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Frances Pueo
Organization: Hui Pono Holoholona
E-mail: owlit1@gmail.com
Submitted on: 2/21/2012

Comments:

I, Frances Pueo, Pres. Hui Pono Holoholona support HB 2679, Protect Horses and offsprings in Cruelty cases. This bill is needed to protect the equine and offsprings born in custody of a humane society during a pending animal cruelty case.

Common sense is if there is an ongoing investigation, or pending case of animal cruelty, then the unborn or animals born under the protection of the humane society should automatically be included within their protection.

Testimony for HB2679 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 20, 2012 10:00 PM

To: JUDtestimony

Cc: Ktntt@hawaii.rr.com

Testimony for JUD 2/21/2012 2:00:00 PM HB2679

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Stacey Shimomura

Organization: Individual

E-mail: Ktntt@hawaii.rr.com

Submitted on: 2/20/2012

Comments:

Testimony for HB2679 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, February 19, 2012 6:32 PM

To: JUDtestimony

Cc: Shelbshotmail22@gmail.com

Testimony for JUD 2/21/2012 2:00:00 PM HB2679

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Shelbie Pang

Organization: Individual

E-mail: Shelbshotmail22@gmail.com

Submitted on: 2/19/2012

Comments:

Testimony for HB2679 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 20, 2012 7:42 AM

To: JUDtestimony

Cc: octopus@maui.net

Testimony for JUD 2/21/2012 2:00:00 PM HB2679

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Rene Umberger

Organization: Individual

E-mail: octopus@maui.net

Submitted on: 2/20/2012

Comments:

Testimony for HB2679 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 20, 2012 2:58 PM

To: JUDtestimony

Cc: spikecat1@aol.com

Testimony for JUD 2/21/2012 2:00:00 PM HB2679

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Judith Aikawa

Organization: Individual

E-mail: spikecat1@aol.com

Submitted on: 2/20/2012

Comments:

Testimony for HB2679 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 20, 2012 4:42 PM

To: JUDtestimony

Cc: feathers03@me.com

Testimony for JUD 2/21/2012 2:00:00 PM HB2679

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Margaret Sueoka

Organization: Individual

E-mail: feathers03@me.com

Submitted on: 2/20/2012

Comments:

Testimony for HB2679 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 20, 2012 5:16 PM

To: JUDtestimony

Cc: orrie@hawaiiantel.net

Testimony for JUD 2/21/2012 2:00:00 PM HB2679

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Orianna Skomoroch

Organization: Individual

E-mail: orrie@hawaiiantel.net

Submitted on: 2/20/2012

Comments:

Testimony for HB2679 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 20, 2012 5:21 PM

To: JUDtestimony

Cc: ferndoggies@gmail.com

Testimony for JUD 2/21/2012 2:00:00 PM HB2679

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: P Fern

Organization: Individual

E-mail: ferndoggies@gmail.com

Submitted on: 2/20/2012

Comments:



Testimony for HB2679 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 20, 2012 2:28 PM

To: JUDtestimony

Cc: mkim@mauihumanesociety.org

Testimony for JUD 2/21/2012 2:00:00 PM HB2679

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Miyo Miyasaki-Kim

Organization:

E-mail: mkim@mauihumanesociety.org

Submitted on: 2/20/2012

Comments:

Please support this measure. we see many cases of abuse and neglect against horses. they are often left to fend for themselves in unsuitable pastures where they are left to starve. Many others don't get the benefit of necessary veterinary care and suffer as a result. mahalo for your time! Miyo Kim

Testimony for HB2679 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 20, 2012 2:45 PM

To: JUDtestimony

Cc: rosemarykarlsson@gmail.com

Testimony for JUD 2/21/2012 2:00:00 PM HB2679

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Rosemary Karlsson

Organization: Individual

E-mail: rosemarykarlsson@gmail.com

Submitted on: 2/20/2012

Comments:

Please protect the horses and the colts!

Testimony for HB2679 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 20, 2012 10:48 PM

To: JUDtestimony

Cc: stacykt@hawaii.edu

Testimony for JUD 2/21/2012 2:00:00 PM HB2679

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Stacy Takekawa

Organization: Individual

E-mail: stacykt@hawaii.edu

Submitted on: 2/20/2012

Comments:

Testimony for HB2679 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 20, 2012 10:17 PM

To: JUDtestimony

Cc: dabosladi@msn.com

Testimony for JUD 2/21/2012 2:00:00 PM HB2679

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Barbara J. Matsuo

Organization: Individual

E-mail: dabosladi@msn.com

Submitted on: 2/20/2012

Comments:

Testimony for HB2679 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 20, 2012 10:53 PM

To: JUDtestimony

Cc: dbonn1@aol.com

Testimony for JUD 2/21/2012 2:00:00 PM HB2679

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Bonnie Lau

Organization: Individual

E-mail: dbonn1@aol.com

Submitted on: 2/20/2012

Comments:

Timing of your birth should not sentence you to cruelty.

Testimony for HB2679 on 2/21/2012 2:00:00 PM

Testimony for HB2679 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, February 21, 2012 8:13 AM

To: JUDtestimony

Cc: darceykatherine@gmail.com

Testimony for JUD 2/21/2012 2:00:00 PM HB2679

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: katherine uyeno

Organization: Individual

E-mail: darceykatherine@gmail.com

Submitted on: 2/21/2012

Comments:

Testimony for HB2679 on 2/21/2012 2:00:00 PM

Testimony for HB2679 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, February 21, 2012 9:25 AM

To: JUDtestimony

Cc: inspirevision@aol.com

Testimony for JUD 2/21/2012 2:00:00 PM HB2679

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Jane Shiraki

Organization: Individual

E-mail: inspirevision@aol.com

Submitted on: 2/21/2012

Comments:

Dear Legislature:

Please pass HB 2679. Every action that would protect horses from harm, is worthy and necessary to insure their well being.

Mahalo,
Jane Shiraki
Honolulu



Testimony for HB2679 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, February 19, 2012 6:34 PM

To: JUDtestimony

Cc: lizrizzo@hawaii.rr.com

Testimony for JUD 2/21/2012 2:00:00 PM HB2679

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Elizabeth Rizzo
Organization: Individual
E-mail: lizrizzo@hawaii.rr.com
Submitted on: 2/19/2012

Comments:

Stop animal cruelty by using your legal powers and thank you for doing the right thing for the animals. Let's be their voice.



Testimony for HB2679 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, February 19, 2012 4:34 PM

To: JUDtestimony

Cc: sue@kauaibeach.com

Testimony for JUD 2/21/2012 2:00:00 PM HB2679

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Sue Scott

Organization: Individual

E-mail: sue@kauaibeach.com

Submitted on: 2/19/2012

Comments:

Please support this bill to add protection for animals who have had a history of being abused. Returning them to abusers is inhumane. I would prefer to have the Humane Society have the enforcement power to make a decision regarding future welfare of the animals.

Testimony for HB2679 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 20, 2012 4:06 PM

To: JUDtestimony

Cc: theresa_pickard@yahoo.com

Testimony for JUD 2/21/2012 2:00:00 PM HB2679

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Theresa Donnelly
Organization: Individual
E-mail: theresa_pickard@yahoo.com
Submitted on: 2/20/2012

Comments:

Please pass this bill. The recent case in Waimanalo illustrated why we need such regulations. I am in full support of a bill that helps facilitate the rescue of animals living in substandard conditions. Thank you.

Testimony for HB2679 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 20, 2012 4:53 PM

To: JUDtestimony

Cc: g2@hokua.org

Testimony for JUD 2/21/2012 2:00:00 PM HB2679

Conference room: 325
Testifier position: Support
Testifier will be present: Yes
Submitted by: Ginny Tiu
Organization: Individual
E-mail: g2@hokua.org
Submitted on: 2/20/2012

Comments:

I would ask the Chair and members of the committee to please take into consideration that horses are as intelligent and have as much feeling as any pet. They deserve to be treated humanely as well, and penalties should be to the same extent as those imposed on the mistreatment of pets.

Thank you very much for your consideration.
Ginny Tiu



Testimony for HB2679 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, February 21, 2012 7:58 AM

To: JUDtestimony

Cc: donmehling@yahoo.com

Testimony for JUD 2/21/2012 2:00:00 PM HB2679

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Donald Mehling
Organization: Individual
E-mail: donmehling@yahoo.com
Submitted on: 2/21/2012

Comments:
Please support this bill.