



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 26, 2013

GOV. MSG. NO. 1311

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 26, 2013, the following bill was signed into law:

SB6 SD1 HD1 CD1

RELATING TO ANIMAL CRUELTY
ACT 208 (13)

Aloha
Signed
Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

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, or 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) Require the reporting of dogs and cats that are
- 2 captured or killed in a snare or trap;
- 3 (2) Establish an animal cruelty offense for the use of
- 4 steel-jawed leg-hold traps, and the use of snares,
- 5 conibear, and foot- or leg-hold traps in residential
- 6 areas;
- 7 (3) Provide exemptions for activities carried out by state
- 8 and federal agencies; and
- 9 (4) Establish the offense as a misdemeanor.

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

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



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

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

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

9 (b) A snare, conibear trap, or foot- or leg-hold trap in
10 an area zoned as residential or any other area where
11 such snare or trap is prohibited by law or rule;
12 except under the situations described in subsection
13 (2).

14 (2) Subsection (1)(b) shall not apply to employees of state
15 or federal agencies, or persons acting as a designated
16 cooperator or an agent of the State, who are carrying out
17 activities required under a management plan approved by state or
18 federal agencies, pursuant to a mandatory statutory duty for the
19 protection of species listed as threatened or endangered
20 species, or other wildlife species protected by law, or for the
21 protection of public health, safety, or property.

22 (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. "Conibear trap" shall not include
4 snap traps used for rodent control.

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

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

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

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

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

18 SECTION 5. New statutory material is underscored.

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

APPROVED this 26 day of JUN, 2013

Neil Abernethy



GOVERNOR OF THE STATE OF HAWAII