



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 26, 2013

GOV. MSG. NO. 1312

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:

SB9 SD1 HD2 CD1

RELATING TO ANIMALS
ACT 209 (13)

Aloha
Sincerely,
Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

on JUN 26 2013

THE SENATE
TWENTY-SEVENTH LEGISLATURE, 2013
STATE OF HAWAII

ACT 209
S.B. NO. 9
S.D. 1
H.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO ANIMALS.

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

1 SECTION 1. The legislature finds that persons who are
2 cruel to one animal may commit cruel acts to other animals and,
3 as such, it is necessary to ensure that persons convicted of
4 cruelty to animals are restricted from owning and possessing
5 additional animals for a period of time.

6 Act 262, Session Laws of Hawaii 1985, relating to
7 forfeiture of animals for cruelty to animals (enacted as section
8 711-1110.5, Hawaii Revised Statutes), provides in pertinent part
9 that the court may order the defendant to surrender or forfeit
10 the animal whose treatment was the basis of the conviction or
11 plea, as well as any other animals under the possession,
12 custody, or control of the defendant, to the custody of a duly
13 incorporated humane society or duly incorporated society for the
14 prevention of cruelty to animals. The intent of Act 262 is to
15 temporarily protect abused animals from further harm.

16 Notwithstanding Act 262, there have been numerous instances
17 where defendants who have been convicted of a cruelty to animals
18 offense, in some cases involving dozens of animals, have been



1 allowed to continue to own animals and to sometimes sell the
2 animals for profit.

3 More than thirty states have enacted laws to prohibit the
4 possession of, owning of, or residing with animals upon
5 conviction of a cruelty to animals offense.

6 The purpose of this Act is to prohibit any person convicted
7 of cruelty to animals in the first degree from possessing or
8 owning any pet animal and equine animal for a minimum of five
9 years from the date of conviction.

10 SECTION 2. Section 711-1108.5, Hawaii Revised Statutes, is
11 amended by amending subsection (5) to read as follows:

12 "(5) Cruelty to animals in the first degree is a class C
13 felony. In addition to any fines and imprisonment imposed under
14 this section, any person convicted under this section shall be
15 prohibited from possessing or owning any pet animal or equine
16 animal for a minimum of five years from the date of conviction.

17 For the purposes of this section, "person" means any
18 individual; any firm, partnership, joint venture, association,
19 limited liability company, corporation, estate, trust, receiver,
20 or syndicate; or any other legal entity."



1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. If any provision of this Act, or the
5 application thereof to any person or circumstance, is held
6 invalid, the invalidity does not affect other provisions or
7 applications of the Act that can be given effect without the
8 invalid provision or application, and to this end the provisions
9 of this Act are severable.

10 SECTION 5. New statutory material is underscored.

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

APPROVED this 26 day of JUN, 2013



GOVERNOR OF THE STATE OF HAWAII