
A BILL FOR AN ACT

RELATING TO CRUELTY TO ANIMALS.

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

1 SECTION 1. The legislature finds that Hawaii's penal code
2 does not adequately address situations in which an offender
3 injures or kills an animal used by a law enforcement agency or
4 corrections facility. Law enforcement animals include dogs,
5 horses, or any other animals that have been specifically trained
6 to assist law enforcement in the detection of criminal activity,
7 enforcement of laws, or apprehension of criminal offenders.

8 Although the death or serious injury of a law enforcement
9 animal is not yet a serious problem in Hawaii, it has become a
10 problem across the country. During the last forty years, one
11 hundred thirty-nine police dogs have been killed in the line of
12 duty by firearms.

13 Nationally, law enforcement-trained animals are being used
14 more and more on a daily basis to assist officers in the field
15 to safely complete their daily activities, search out narcotics
16 and explosives, as well as in situations of search and rescue.
17 In the last twenty years, law enforcement agencies have come to



1 rely on trained animals to address some of the police
2 department's most dangerous assignments.

3 In 2000, the federal government enacted the Federal Law
4 Enforcement Animal Protection Act, which recognized the need to
5 provide legal protection to the animals that work with sworn law
6 enforcement personnel, which include police dogs, police horses,
7 and fire dogs. Forty-nine states and one territory have laws to
8 protect law enforcement animals. It is now time for Hawaii to
9 join the federal government to protect the animals that work
10 hard every day to keep our community safe.

11 The purpose of this Act is to establish the definition of a
12 law enforcement animal as well as to create two offenses that
13 deal with varying levels of injury to a law enforcement animal.
14 Cruelty to a law enforcement animal in the first degree shall be
15 a felony that addresses intentionally or knowingly killing or
16 substantially injuring the animal. Cruelty to a law enforcement
17 animal in the second degree shall be a misdemeanor that
18 addresses recklessly causing the death or substantial injury of
19 a law enforcement animal or intentionally or knowingly injuring
20 a law enforcement animal.



1 SECTION 2. Section 711-1100, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Law enforcement animal" means any dog, horse, or other
5 animal used by law enforcement or corrections agencies that is
6 trained to work in the area of tracking, suspect apprehension,
7 crowd control, drug detection, or explosives detection for law
8 enforcement purposes."

9 SECTION 3. Chapter 711, Hawaii Revised Statutes, is
10 amended by adding two new sections to be appropriately
11 designated and to read as follows:

12 "§711- Cruelty to a law enforcement animal in the first
13 degree. (1) A person commits the offense of cruelty to a law
14 enforcement animal in the first degree if the person
15 intentionally or knowingly strikes, beats, kicks, cuts, stabs,
16 shoots, or administers any type of harmful substance or poison
17 to the law enforcement animal resulting in substantial bodily
18 injury or death while the animal is performing its duties as a
19 law enforcement animal and is under the control of a law
20 enforcement officer.

21 (2) Subsection (1) shall not apply to:

22 (a) Accepted veterinary practices;



1 (b) Activities carried on for scientific research governed
2 by standards of accepted educational or medicinal
3 practices; or

4 (c) Cropping or docking as customarily practiced.

5 (3) Cruelty to a law enforcement animal in the first
6 degree is a class C felony.

7 (4) In addition to any other penalty provided by law, the
8 court shall order that restitution be paid to the law
9 enforcement agency or whoever owns the animal for the following
10 expenses:

11 (a) Veterinary and other medical costs;

12 (b) Replacement cost, if the animal is killed, disabled,
13 or destroyed; and

14 (c) Lost wages for the law enforcement animal's handler.

15 (5) It is an affirmative defense to prosecution that a law
16 enforcement animal was not handled in accordance with well-
17 recognized national handling procedures or was handled in a
18 manner contrary to the law enforcement agency's handling
19 policies and procedures.

20 §711- Cruelty to a law enforcement animal in the second
21 degree. (1) A person commits the offense of cruelty to a law
22 enforcement animal in the second degree if:



1 (a) The person intentionally or knowingly causes injury or
2 pain to a law enforcement animal by any means while
3 the animal is performing its duties as a law
4 enforcement animal and is under the control of a law
5 enforcement officer; or

6 (b) The person recklessly causes substantial bodily injury
7 or death to a law enforcement animal by any means
8 while the animal is performing its duties as a law
9 enforcement animal and is under the control of a law
10 enforcement officer.

11 (2) Subsection (1) shall not apply to:

12 (a) Accepted veterinary practices;

13 (b) Activities carried on for scientific research governed
14 by standards of accepted educational or medicinal
15 practices; or

16 (c) Cropping or docking as customarily practiced.

17 (3) Cruelty to a law enforcement animal in the second
18 degree is a misdemeanor;

19 (4) In addition to any other penalty provided by law, the
20 court shall order that restitution be paid to the law
21 enforcement agency or whoever owns the animal for the following
22 expenses:



- 1 (a) Veterinary and other medical costs;
- 2 (b) Replacement cost, if the animal is killed, disabled,
- 3 or destroyed; and
- 4 (c) Lost wages for the law enforcement animal's handler.
- 5 (5) It is an affirmative defense to prosecution that a law
- 6 enforcement animal was not handled in accordance with well-
- 7 recognized national handling procedures or was handled in a
- 8 manner contrary to the law enforcement agency's handling
- 9 policies and procedures."

10 SECTION 4. This Act does not affect rights and duties that

11 matured, penalties that were incurred, and proceedings that were

12 begun before its effective date.

13 SECTION 5. New statutory material is underscored.

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

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INTRODUCED BY:

Handwritten signatures:
~~Shanode~~
~~K. L. H.~~
~~W. K. H.~~

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H.B. NO. 1012

Report Title:

Penal Code; Law Enforcement Animal; Cruelty

Description:

Establishes the offenses of cruelty to a law enforcement animal in the first and second degree.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

