
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 existing
2 penal code does not adequately address situations in which an
3 offender injures or kills an animal used by a law enforcement
4 agency or corrections facility. Dogs, horses, and other animals
5 are specifically trained to assist law enforcement in the
6 detection of criminal activity, enforcement of laws, or the
7 apprehension of criminal offenders. Although the death or
8 serious injury of a law enforcement animal is not yet a serious
9 problem in Hawaii, it has become a problem across the county.
10 During the last forty years, one hundred thirty-nine police dogs
11 have been killed in the line of duty by firearms. Nationally,
12 law enforcement animals are increasingly used on a daily basis
13 to assist officers in the field to safely complete their daily
14 activities, to search for narcotics and explosives, and in
15 search and rescue operations. Law enforcement agencies have
16 come to rely upon trained animals to address some of the most
17 dangerous assignments. In 2000, the federal government enacted
18 the Federal Law Enforcement Animal Protection Act, which



1 recognized the need to provide legal protection to the animals
2 that work with law enforcement personnel every day to keep
3 communities safe. Forty-four states and one territory have laws
4 that protect law enforcement animals, which include police dogs,
5 police horses, and fire dogs. Similar protections are needed to
6 protect the law enforcement animals that work hard every day to
7 keep Hawaii's communities safe.

8 The purpose of this Act is to protect law enforcement
9 animals by establishing criminal offenses that address varying
10 levels of injury caused to these animals. Specifically, this
11 Act makes it a:

- 12 (1) Felony to intentionally or knowingly cause the death
13 of or substantial bodily injury to a law enforcement
14 animal; and
- 15 (2) Misdemeanor to intentionally or knowingly cause bodily
16 injury to or recklessly cause the death of or
17 substantial bodily injury to a law enforcement animal,
18 or intentionally or knowingly injure the animal.

19 SECTION 2. Chapter 711, Hawaii Revised Statutes, is
20 amended by adding two new sections to be appropriately
21 designated and to read as follows:



1 "§711- Cruelty to a law enforcement animal in the first
 2 degree. (1) A person commits the offense of cruelty to a law
 3 enforcement animal in the first degree if the person
 4 intentionally or knowingly causes substantial bodily injury to
 5 or the death of the law enforcement animal, including by
 6 striking, beating, kicking, cutting, stabbing, shooting, or
 7 administering any type of harmful substance or poison to any law
 8 enforcement animal, while the animal is:

- 9 (a) Performing its duties as a law enforcement animal; and
- 10 (b) Under the control of any law enforcement officer or
- 11 corrections officer.

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

- 13 (a) Accepted veterinary practices;
- 14 (b) Activities carried on for scientific research governed
- 15 by standards of accepted educational or medicinal
- 16 practices; or
- 17 (c) Cropping or docking as customarily practiced.

18 (3) It is an affirmative defense to a prosecution under
 19 this section that the law enforcement animal was handled by the
 20 law enforcement or corrections agency in a manner contrary to:

- 21 (a) Well-recognized national handling procedures; or



- 1 (b) The policies and procedures of the applicable law
2 enforcement or corrections agency.
- 3 (4) In addition to any penalty imposed for a conviction
4 under this section, the court shall order a defendant convicted
5 on the offense of cruelty to a law enforcement animal in the
6 first degree to make restitution to the applicable law
7 enforcement or corrections agency or any other person who owns
8 or handles the law enforcement animal for any:
- 9 (a) Veterinary bills and other medical costs for the law
10 enforcement animal;
- 11 (b) Replacement costs if the law enforcement animal is
12 killed, disabled, or destroyed;
- 13 (c) Lost wages for the law enforcement animal's handler;
14 or
- 15 (d) Any other costs relating to any violation of this
16 section.
- 17 (5) Cruelty to a law enforcement animal in the first
18 degree is a class C felony.
- 19 **§711- Cruelty to a law enforcement animal in the second**
20 **degree. (1) A person commits the offense of cruelty to a law**
21 **enforcement animal in the second degree if the person:**



1 (a) Intentionally or knowingly causes bodily injury to a
2 law enforcement animal by any means; or

3 (b) Recklessly causes substantial bodily injury or death
4 to a law enforcement animal by any means,
5 while the animal is performing its duties as a law enforcement
6 animal and is under the control of any law enforcement officer
7 or corrections officer.

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

9 (a) Accepted veterinary practices;

10 (b) Activities carried on for scientific research governed
11 by standards of accepted educational or medicinal
12 practices; or

13 (c) Cropping or docking as customarily practiced.

14 (3) It is an affirmative defense to a prosecution under
15 this section that the law enforcement animal was handled by the
16 law enforcement or corrections agency in a manner contrary to:

17 (a) Well-recognized national handling procedures; or

18 (b) The policies and procedures of the applicable law
19 enforcement or corrections agency.

20 (4) In addition to any penalty imposed for a conviction
21 under this section, the court shall order a defendant convicted
22 of the offense of cruelty to a law enforcement animal in the



1 second degree to make restitution to the applicable law
2 enforcement or corrections agency or any other person who owns
3 or handles the law enforcement animal for any:

4 (a) Veterinary bills and other medical costs for the law
5 enforcement animal;

6 (b) Replacement costs if the law enforcement animal is
7 killed, disabled, or destroyed;

8 (c) Lost wages for the law enforcement animal's handler;
9 or

10 (d) Any other costs relating to any violation of this
11 section.

12 (5) Cruelty to a law enforcement animal in the second
13 degree is a misdemeanor."

14 SECTION 3. Section 711-1100, Hawaii Revised Statutes, is
15 amended by adding three new definitions to be appropriately
16 inserted and to read as follows:

17 "Bodily injury" shall have the same meaning as in section
18 707-700.

19 "Law enforcement animal" means any dog, horse, or other
20 animal used by any law enforcement or corrections agency in the
21 areas of tracking, suspect apprehension, crowd control, drug
22 detection, explosives detection, courthouse assistance, search



1 and rescue, or for any other law enforcement or corrections
2 purpose.

3 "Substantial bodily injury" shall have the same meaning as
4 in section 707-700."

5 SECTION 4. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 5. New statutory material is underscored.

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



Report Title:

Crime; Animal Cruelty; Law Enforcement and Corrections Animals

Description:

Establishes felony and misdemeanor offenses for injuring or killing an animal engaged in law enforcement or corrections activities. Provides for an affirmative defense. (HB148 HD1)

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