

JAN 18 2013

S.B. NO. 635

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 Hawaii's existing
2 penal code does not adequately address situations when an
3 offender injures or kills an animal used by a law enforcement
4 agency or corrections facility. Dogs, horses, or other animals
5 are specifically trained to assist law enforcement in detecting
6 criminal activity, enforcing laws, or apprehending criminal
7 offenders. On the national level, law enforcement trained
8 animals are being used more frequently on a daily basis to
9 assist law enforcement officers in the field to safely complete
10 their daily activities, search for narcotics and explosives, and
11 assist in search and rescue missions. Within the last twenty
12 years, law enforcement agencies have relied on trained animals
13 to address some of the departments' most dangerous assignments.

14 Although the death or serious injury of a law enforcement
15 animal is not a serious problem in Hawaii yet, it has become a
16 problem across the country. During the last forty years, one
17 hundred thirty-nine police dogs were killed in the line of duty
18 by firearms. In 2000, the federal government enacted the



1 Federal Law Enforcement Animal Protection Act of 2000. This
 2 federal law recognized the need to provide legal protection to
 3 animals who work with sworn law enforcement personnel on a daily
 4 basis to keep communities safe by imposing penalties on any
 5 person who wilfully and maliciously harms any police animal or
 6 attempts or conspires to do so, permanently disables or
 7 disfigures the animal, or causes serious bodily injury to or the
 8 death of the animal. Forty-four states and one territory have
 9 laws that protect law enforcement animals that include police
 10 dogs, police horses, and fire dogs. The legislature finds that
 11 it is now time for Hawaii to join this group to protect the
 12 animals that work hard every day to keep our community safe.

13 The purpose of this Act is to protect law enforcement
 14 animals in the line of duty by establishing the offense of
 15 cruelty to a law enforcement animal in the first and second
 16 degrees.

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

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



1 intentionally or knowingly strikes, beats, kicks, cuts, stabs,
2 shoots, or administers any type of harmful substance or poison
3 to a law enforcement animal that results in substantial bodily
4 injury to or death of the law enforcement animal; provided that
5 the law enforcement animal shall be performing its duties as a
6 law enforcement animal while under the control of a sworn law
7 enforcement 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) Cruelty to a law enforcement animal in the first
15 degree is a class C felony.

16 (4) In addition to any other penalty, any person who is
17 convicted of a violation of this section shall be ordered to
18 make restitution to be paid to the law enforcement agency or
19 whoever owns the law enforcement animal for the following costs:

20 (a) Veterinary bills and other medical costs;

21 (b) Costs to replace the law enforcement animal if the
22 animal is killed, disabled, or destroyed;



- 1 (c) Lost wages for the law enforcement animal's handler;
- 2 and
- 3 (d) Any other costs related to the violation of this
- 4 section.

5 (5) It shall be an affirmative defense that the law
6 enforcement animal was not handled in accordance with recognized
7 national animal handling procedures or was handled in a manner
8 contrary to the law enforcement or correction agency's handling
9 policies and procedures.

10 §711- Cruelty to a law enforcement animal in the second
11 degree. (1) A person commits the offense of cruelty to a law
12 enforcement animal in the second degree if:

13 (a) The person intentionally or knowingly causes injury or
14 pain to a law enforcement animal by any means; or

15 (b) The person recklessly causes substantial bodily injury
16 to or death of a law enforcement animal by any means;
17 provided that the law enforcement animal shall be performing its
18 duties as a law enforcement animal while under the control of a
19 sworn enforcement officer.

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

21 (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 second
6 degree is a misdemeanor.

7 (4) In addition to any other penalty, any person who is
8 convicted of a violation of this section shall be ordered to
9 make restitution to be paid to the law enforcement agency or
10 whoever owns the law enforcement animal for the following costs:

11 (a) Veterinary bills and other medical costs;

12 (b) Costs to replace the law enforcement animal if the
13 animal is killed, disabled, or destroyed;

14 (c) Lost wages for the law enforcement animal's handler;
15 and

16 (d) Any other costs related to the violation of this
17 section.

18 (5) It shall be an affirmative defense that the law
19 enforcement animal was not handled in accordance with recognized
20 national animal handling procedures or was handled in a manner
21 contrary to the law enforcement or correction agency's handling
22 policies and procedures."



1 SECTION 3. 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 and
6 trained to work in areas of tracking, suspect apprehension,
7 crowd control, or drug or explosive detection for law
8 enforcement purposes."

9 SECTION 4. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 5. New statutory material is underscored.

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

14

INTRODUCED BY: ~~DC~~ *Will Sykes*
Will Sykes

Report Title:

Animal Cruelty; Law Enforcement Animal

Description:

Establishes the offenses of cruelty to a law enforcement animal in the first and second degrees. Adds a definition for "law enforcement animal".

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

