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



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

17 SECTION 2. Section 711-1109.4, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "§711-1109.4 **Causing injury or death to a service dog[-]**
20 **or law enforcement animal.** (1) A person commits the offense of
21 causing injury or death to a service dog or law enforcement
22 animal if:



1 (a) The person recklessly causes injury to or the death of
2 any service dog while the service dog is in the
3 discharge of its duties; [~~or~~]

4 (b) The person is the owner of a dog and recklessly
5 permits that dog to attack a service dog while the
6 service dog is in the discharge of its duties,
7 resulting in the injury or death of the service
8 dog [~~or~~]; or

9 (c) The person recklessly causes injury to or death of any
10 law enforcement dog; provided that the law enforcement
11 animal shall be performing its duties as a law
12 enforcement animal while under the control of a sworn
13 law enforcement officer.

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

15 (a) Accepted veterinary practices;

16 (b) Activities carried on for scientific research governed
17 by standards of accepted educational or medicinal
18 practices; or

19 (c) Cropping or docking as customarily practiced.

20 [~~2~~] (3) Any person who commits the offense of causing
21 injury or death to a service dog or law enforcement animal shall
22 be punished as follows:



1 (a) For a first offense by a fine of not more than \$2,000,
2 imprisonment of not more than thirty days, or both;
3 and

4 (b) For a second or subsequent offense by a fine of not
5 more than \$5,000, imprisonment of not more than thirty
6 days, or both.

7 [~~3~~] (4) Any person who is convicted of a violation of
8 this section shall be ordered to make restitution to:

9 (a) The person with a disability who has custody or
10 ownership of the service dog, for any veterinary bills
11 and out-of-pocket costs incurred as a result of the
12 injury to the service dog; ~~[and]~~

13 (b) The person or organization that incurs the cost of
14 retraining or replacing the service dog for the cost
15 of retraining or replacing the service dog if it is
16 disabled or killed~~[-]~~; or

17 (c) The law enforcement agency or whoever owns the law
18 enforcement animal for the following costs:

19 (i) Veterinary bills and other medical costs;

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



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

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

11 [~~4~~] (6) As used in this section [,"service]:
12 "Law enforcement animal" means any dog, horse, or other
13 animal used by law enforcement, corrections agencies, or courts
14 and trained to work in areas of tracking, suspect apprehension,
15 crowd control, or drug or explosive detection for law
16 enforcement purposes.

17 "Service dog" shall have the same meaning as in section
18 347-2.5."

19 SECTION 3. Section 711-1109.5, Hawaii Revised Statutes, is
20 amended to read as follows:

21 **"§711-1109.5 Intentional interference with the use of a**
22 **service dog[~~-~~] or law enforcement animal. (1) A person commits**



1 the offense of intentional interference with the use of a
2 service dog or law enforcement animal if the person, with no
3 legal justification, intentionally or knowingly:

4 (a) Harms a service dog~~[+]~~ or law enforcement animal; or

5 (b) Strikes or kicks a service dog~~[+]~~ or law enforcement
6 animal;

7 while the service dog is in the discharge of its duties~~[-]~~ or
8 the law enforcement animal is performing its duties as a law
9 enforcement animal while under the control of a sworn 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 or accepted educational or medicinal
15 practices; or

16 (c) Cropping or docking as customarily practiced.

17 ~~[(2)]~~ (3) Intentional interference with the use of a
18 service dog or law enforcement animal is a misdemeanor.

19 ~~[(3)]~~ (4) Nothing in this section is intended to affect
20 any civil remedies available for a violation of this section.

21 In addition to any other penalty, any person who is convicted of
22 a violation of this section shall be ordered to make restitution



1 to be paid to the law enforcement agency or whoever owns the law
2 enforcement animal for the following costs:

- 3 (a) Veterinary bills and other medical costs;
- 4 (b) Costs to replace the law enforcement animal if the
5 animal is killed, disabled, or destroyed;
- 6 (c) Lost wages for the law enforcement animal's handler;
7 and
- 8 (d) Any other costs related to the violation of this
9 section.

10 (5) For a law enforcement animal, it shall be an
11 affirmative defense that the law enforcement animal was not
12 handled in accordance with recognized national animal handling
13 procedures or was handled in a manner contrary to the law
14 enforcement or correction agency's handling policies and
15 procedures.

16 ~~[(4)]~~ (6) As used in this section[, "service]:
17 "Law enforcement animal" means any dog, horse, or other
18 animal used by law enforcement, corrections agencies, or courts
19 and trained to work in areas of tracking, suspect apprehension,
20 crowd control, or drug or explosive detection for law
21 enforcement purposes.



1 "Service dog" shall have the same meaning as in section
2 347-2.5."

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

6 SECTION 5. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

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



Report Title:

Animal Cruelty; Law Enforcement Animal

Description:

Includes law enforcement animals under the offenses of causing injury or death to a service dog and intentional interference with the use of a service dog. Adds a definition for "law enforcement animal". (SD1)

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

