

JAN 24 2013

A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

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

1 SECTION 1. Chapter 706, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§706- Mandatory sentence of imprisonment for offenses
5 against multiple animals. Notwithstanding the factors set forth
6 in section 706-606, the court shall impose a mandatory sentence
7 of one year of imprisonment on a defendant who is convicted of
8 cruelty to animals in the second degree pursuant to section
9 711-1109 involving five or more pet animals in any one instance.
10 The court may impose consecutive terms."

11 SECTION 2. Section 711-1109, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§711-1109 Cruelty to animals in the second degree.** (1)

14 A person commits the offense of cruelty to animals in the second
15 degree if the person intentionally, knowingly, or recklessly:

16 (a) Overdrives, overloads, tortures, torments, beats,
17 causes substantial bodily injury to, or starves any



- 1 animal, or causes the overdriving, overloading,
2 torture, torment, beating, or starving of any animal;
- 3 (b) Deprives a pet animal of necessary sustenance or
4 causes such deprivation;
- 5 (c) Mutilates, poisons, or kills without need any animal
6 other than insects, vermin, or other pests; provided
7 that the handling or extermination of any insect,
8 vermin, or other pest is conducted in accordance with
9 standard and acceptable pest control practices and all
10 applicable laws and regulations;
- 11 (d) Keeps, uses, or in any way is connected with or
12 interested in the management of, or receives money for
13 the admission of any person to, any place kept or used
14 for the purpose of fighting or baiting any bull, bear,
15 cock, or other animal, and includes every person who
16 encourages, aids, or assists therein, or who permits
17 or suffers any place to be so kept or used;
- 18 (e) Carries or causes to be carried, in or upon any
19 vehicle or other conveyance, any animal in a cruel or
20 inhumane manner;
- 21 (f) Confines or causes to be confined, in a kennel or
22 cage, any pet animal in a cruel or inhumane manner;



1 (g) Tethers, fastens, ties, or restrains a dog to a
2 doghouse, tree, fence, or any other stationary object
3 by means of a choke collar, pinch collar, or prong
4 collar; provided that a person is not prohibited from
5 using such restraints when walking a dog with a hand-
6 held leash or while a dog is engaged in a supervised
7 activity; or

8 (h) Assists another in the commission of any act specified
9 in subsections (1)(a) through (1)(g).

10 (2) Subsection (1)(a), (b), (c), (e), (f), (g), and (h)
11 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) Pest control operations conducted pursuant to chapter
17 149A by a pest control operator licensed pursuant to
18 chapter 460J, if the pest control is performed under a
19 written contract.

20 (3) Whenever any animal is so severely injured that there
21 is no reasonable probability that its life or usefulness can be



1 saved, the animal may be immediately destroyed without creating
2 any offense under this section.

3 (4) Cruelty to animals in the second degree is a
4 misdemeanor.

5 (5) Notwithstanding the factors set forth in section
6 706-606, the court shall impose a mandatory sentence of one year
7 of imprisonment pursuant to section 706- on a defendant who
8 is convicted of cruelty to animals in the second degree
9 involving five or more pet animals in any one instance. The
10 court may impose consecutive terms."

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

14 SECTION 4. New statutory material is underscored.

15 SECTION 5. This Act shall take effect upon its approval.

16

INTRODUCED BY: 



S.B. NO. 978

Report Title:

Penal Code; Animal Cruelty; Sentencing

Description:

Imposes a mandatory sentence of one year of imprisonment on a defendant convicted of cruelty to animals in the second degree involving five or more pet animals in any one instance.

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

