

JAN 17 2013

A BILL FOR AN ACT

RELATING TO ANIMALS.

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

1 SECTION 1. The legislature finds that persons who are
2 cruel to animals are more likely to commit other crimes of
3 violence against people, based on extensive research in fields
4 of criminology and psychology.

5 Act 262, Session Laws of Hawaii 1985, relating to
6 forfeiture of animals for cruelty to animals (enacted as section
7 711-1110.5, Hawaii Revised Statutes), which provides in
8 pertinent part that the court may order the defendant to
9 surrender or forfeit the animal whose treatment was the basis of
10 the conviction or plea, as well as any other animals under the
11 possession, custody, or control of the defendant, to the custody
12 of a duly incorporated humane society or duly incorporated
13 society for the prevention of cruelty to animals. The intent of
14 Act 262 is to temporarily protect abused animals from further
15 harm.

16 Notwithstanding Act 262, there have been numerous instances
17 where defendants who have been convicted of cruelty to animals
18 in the first or second degree, in some cases involving dozens of



1 animals, have been allowed to continue to own animals and to
2 sometimes sell the animals for profit.

3 More than thirty states have enacted laws to prohibit the
4 possession, owning, or residing with animals upon conviction of
5 a cruelty to animal offense.

6 The purpose of this Act is to prohibit persons convicted of
7 cruelty to animals in the first or second degree from
8 possessing, owning, or residing with any animal for not less
9 than a specified number of years from the date of conviction.

10 SECTION 2. Section 711-1108.5, Hawaii Revised Statutes, is
11 amended by amending subsection (5) to read as follows:

12 "(5) Cruelty to animals in the first degree is a class C
13 felony. In addition to any fines and imprisonment imposed under
14 this section, any person convicted under this section shall be
15 prohibited from possessing, owning, or residing with any pet
16 animal for a minimum of five years from the date of conviction."

17 SECTION 3. Section 711-1109, Hawaii Revised Statutes, is
18 amended by amending subsection (4) to read as follows:

19 "(4) Cruelty to animals in the second degree is a
20 misdemeanor. In addition to any fines and imprisonment imposed
21 under this section, any person convicted under this section
22 shall be prohibited from possessing, owning, or residing with



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1 any pet animal for a minimum of one year from the date of
2 conviction."

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.

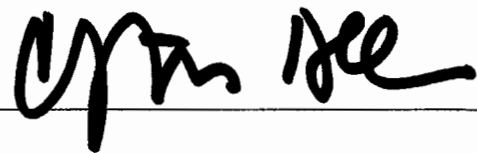
6 SECTION 5. If any provision of this Act, or the
7 application thereof to any person or circumstance, is held
8 invalid, the invalidity does not affect other provisions or
9 applications of the Act that can be given effect without the
10 invalid provision or application, and to this end the provisions
11 of this Act are severable.

12 SECTION 6. New statutory material is underscored.

13 SECTION 7. This Act shall take effect upon its approval.

14

INTRODUCED BY:



S.B. NO. 9

Report Title:

Animal Cruelty

Description:

Prohibits persons convicted of cruelty to animals in the first degree and second degree from possessing, owning, or residing with any pet animal for a minimum of five years and one year, respectively, from the conviction date.

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

