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# 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 of, owning of, or residing with animals upon  
5 conviction of a cruelty to animals 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 involved in the  
9 offense for not less than a specified number of years from the  
10 date of conviction.

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

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

19 For the purposes of this section, "person" means any  
20 individual; any firm, partnership, joint venture, association,  
21 limited liability company, corporation, estate, trust, receiver,  
22 or syndicate; or any other legal fictional entity."



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

3 "(4) Cruelty to animals in the second degree is a  
4 misdemeanor. In addition to any fines and imprisonment imposed  
5 under this section, any person convicted under this section may  
6 be prohibited from possessing, owning, or residing with any  
7 animal involved in the offense for a minimum of one year from  
8 the date of conviction.

9 For the purposes of this section, "person" means any  
10 individual; any firm, partnership, joint venture, association,  
11 limited liability company, corporation, estate, trust, receiver,  
12 or syndicate; or any other legal fictional entity."

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

16 SECTION 5. If any provision of this Act, or the  
17 application thereof to any person or circumstance, is held  
18 invalid, the invalidity does not affect other provisions or  
19 applications of the Act that can be given effect without the  
20 invalid provision or application, and to this end the provisions  
21 of this Act are severable.



- 1 SECTION 6. New statutory material is underscored.
- 2 SECTION 7. This Act shall take effect on July 1, 2112.

**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 an animal involved in the offense for a minimum of two years and one year, respectively, from the conviction date. Effective July 1, 2112. (SB9 HD1)

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

