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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 one animal may commit cruel acts to other animals and,  
3           as such, it is necessary to ensure that persons convicted of  
4           cruelty to animals are restricted from owning and possessing  
5           additional animals for a period of time.

6           Act 262, Session Laws of Hawaii 1985, relating to  
7           forfeiture of animals for cruelty to animals (enacted as section  
8           711-1110.5, Hawaii Revised Statutes), provides in pertinent part  
9           that the court may order the defendant to surrender or forfeit  
10          the animal whose treatment was the basis of the conviction or  
11          plea, as well as any other animals under the possession,  
12          custody, or control of the defendant, to the custody of a duly  
13          incorporated humane society or duly incorporated society for the  
14          prevention of cruelty to animals. The intent of Act 262 is to  
15          temporarily protect abused animals from further 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 possessing  
8 or owning any pet animals and equine animals for not less than a  
9 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 or owning any pet animal or equine  
16 animal for a minimum of five years from the date of conviction.

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

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



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

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

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

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

19          SECTION 6. New statutory material is underscored.

20          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 or owning any pet animal or equine animal for a minimum of five years and one year, respectively, from the conviction date. Effective July 1, 2112. (SB9 HD2)

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

