

STAND. COM. REP. NO.

1202

Honolulu, Hawaii

March 22, 2013

RE: S.B. No. 635
S.D. 1
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 635, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY,"

begs leave to report as follows:

The purpose of this measure is to protect law enforcement animals in the line of duty by amending the existing offenses of causing injury or death to a service dog and intentional interference with the use of a service dog to include law enforcement animals, specify exceptions, increase the penalty for causing injury or death, and provide for restitution upon conviction of intentional interference.

The Department of the Prosecuting Attorney of the City and County of Honolulu, Department of Public Safety, Honolulu Police Department, and Maui Police Department supported this measure. The Humane Society of the United States supported this measure with amendments. A concerned individual opposed this measure. The Humane Society of Hawaii offered comments on this measure.

Your Committee has amended this measure by:

- (1) Removing language that added law enforcement animals to the existing offenses of causing injury or death to a service dog and intentional interference with the use of

SB635 HD2 HSCR JUD HMS 2013-2884



a service dog and that otherwise amended those existing offenses;

- (2) Adding language to create the offense of cruelty to a law enforcement animal in the first degree, making it a felony to intentionally or knowingly cause the death of or substantial bodily injury to a law enforcement animal while the animal is engaged in its law enforcement or corrections duties, providing exceptions to the offense, providing for an affirmative defense, and providing for restitution to affected parties;
- (3) Adding new language to create the offense of cruelty to a law enforcement animal in the second degree, making it a misdemeanor to intentionally or knowingly cause injury to or to recklessly cause the death or substantial bodily injury of a law enforcement animal while the animal is engaged in its law enforcement or corrections duties, providing exceptions to the offense, providing for an affirmative defense, and providing for restitution to affected parties;
- (4) Adding definitions of "bodily injury" and "substantial bodily injury"; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 635, S.D. 1, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 635, S.D. 1, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



