

Honolulu, Hawaii

APR 25 2013

RE: S.B. No. 978  
H.D. 1  
C.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

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

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 978, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE PENAL CODE,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to establish that cruelty to animals in the second degree is a class C felony when the offense involves twenty-five or more pet animals in any one instance.

Your Committee on Conference finds that in a recent animal cruelty case, the judge sentenced the former manager of a dog breeding facility to six months in jail for one hundred fifty-three counts of animal cruelty. However, the defendant did not serve his jail sentence because the defendant was released from custody for time served while waiting for trial. This measure elevates the penalty for the offense of cruelty to animals in the second degree from a misdemeanor to a class C felony when the offense involves twenty-five or more pet animals in any one instance to ensure that



defendants who are convicted of animal cruelty involving multiple pet animals serve time in jail.

Your Committee on Conference has amended this measure by:

- (1) Inserting language to amend section 706-620, Hawaii Revised Statutes, to prohibit sentencing a defendant to a term of probation if the defendant is convicted of cruelty to animals in the first or second degree involving ten or more pet animals;
- (2) Establishing that cruelty to animals in the second degree is a class C felony if the offense involves ten or more, rather than twenty-five, pet animals in any one instance; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 978, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 978, H.D. 1, C.D. 1.

Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

*Karl Rhoads*

KARL RHOADS, Chair

*Clayton Hee*

CLAYTON HEE, Chair

*Maile S.L. Shimabukuro*

MAILE S.L. SHIMABUKURO, Co-Chair



Hawaii State Legislature

CCR 74

Record of Votes of a  
Conference Committee

Bill / Concurrent Resolution No.: <b>SB 978, HD 1</b>	Date/Time: <i>4/25/13, 1:15 pm</i>
--	------------------------------------

The recommendation of the House and Senate managers is to pass with amendments (CD).


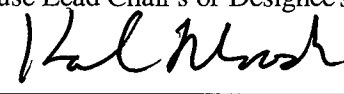
The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
---	---

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
HEE, Clayton, Chr.	✓				RHOADS, Karl, Chr.	✓			
SHIMABUKURO, Maile S.L., Co-Chr.	✓				KAWAKAMI, Derek S.K.	✓			
SLOM, Sam	✓				THIELEN, Cynthia	✓			
<b>TOTAL</b>	<b>3</b>				<b>TOTAL</b>	<b>3</b>			

A = Aye      WR = Aye with Reservations      N = Nay      E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
---	--

Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
---	---

**Distribution:**      **Original**      **Yellow**      **Pink**      **Goldenrod**  
*File with Conference Committee Report      House Clerk's Office      Senate Clerk's Office      Drafting Agency*