

STAND. COM. REP. NO.

1465

Honolulu, Hawaii

April 5, 2013

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

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. 978 entitled:

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

begs leave to report as follows:

The purpose of this measure is to increase protections for pet animals by establishing a mandatory sentence of one year of imprisonment for a defendant convicted of cruelty to animals in the second degree in an offense involving five or more pet animals in one instance and authorizing the court to impose consecutive terms.

The Department of the Prosecuting Attorney of the City and County of Honolulu, The Humane Society of the United States, Hawaiian Humane Society, West Hawaii Humane Society, and more than two hundred concerned individuals testified in support of this measure. The Office of the Public Defender, Petland, Pets Pacifica Inc., and one concerned individual testified in opposition to the bill. Several concerned individuals offered comments.

Your Committee notes the important concerns raised by testifiers about lenient sentencing where multiple animals have been involved. In raising the penalty for the offense of cruelty to animals in the second degree involving twenty-five or more pet animals to a class C felony, which is the same penalty imposed for cruelty to animals in the first degree, your Committee intends to

SB978 HD1 HSCR JUD HMS 2013-3115



send a clear message that these offenses are to be punished in accordance with the significance and gravitas they merit. The amendments made to this measure are not intended to preclude separate charges where multiple animals are involved.

Your Committee has amended this measure by:

- (1) Deleting language that would have established a mandatory sentence of one year for a person convicted of cruelty to animals in the second degree against five or more pet animals, and would have specified that the court is authorized to impose consecutive terms;
- (2) Establishing that cruelty to animals in the second degree is a class C felony where the offense involves twenty-five or more pet animals in any one instance; and
- (3) 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. 978, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 978, H.D. 1, and be placed on the calendar for Third Reading.

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



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KARL RHOADS, Chair



