

STAND. COM. REP. NO.

487

Honolulu, Hawaii

FEB 28 2013

RE: S.B. No. 978

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

Madam:

Your Committee on Judiciary and Labor, 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 and intent of this measure is to impose a  
mandatory sentence of one year of imprisonment on a defendant  
convicted of cruelty to animals in the second degree involving  
five or more pet animals in any one instance.

Your Committee received testimony in support of this measure  
from the Department of the Prosecuting Attorney, Humane Society of  
the United States-Hawaii, and two private individuals. Testimony  
in opposition to this measure was submitted by the Office of the  
Public Defender and one private individual.

Your Committee finds that in a recent animal cruelty case,  
the judge sentenced the former manager of a Waimanalo dog breeding  
facility to six months in jail for one hundred fifty-three counts  
of animal cruelty. However, the defendant was released from  
custody for time served while waiting for trial. This measure  
ensures that defendants convicted of multiple counts of cruelty to  
animals in the second degree serve time for the crimes committed.

Your Committee notes the concerns raised by the Office of the  
Public Defender that the outcome of a single case should not be  
the impetus to propose changes to the criminal justice system.  
However, your Committee believes that this measure represents a  
clear message that animal cruelty is an intolerable criminal act.

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In addition, your Committee clarified that this measure is not intended to give pet animals a higher priority over criminal acts committed against five or more individuals in any one instance. Your Committee further notes that S.B. No. 421 (Regular Session of 2013) provides the same mandatory sentence of one year of imprisonment on a defendant who is convicted of certain criminal acts committed against five or more individuals or pet animals.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 978 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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



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CLAYTON HEE, Chair



