

Honolulu, Hawaii

FEB 28 2013

RE: S.B. No. 9  
S.D. 1

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. 9 entitled:

"A BILL FOR AN ACT RELATING TO ANIMALS,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit persons convicted of cruelty to animals in the first or second degree from possessing, owning, or residing with any pet animal for not less than a specified number of years from the date of conviction.

Your Committee received testimony in support of this measure from the Police Department, City and County of Honolulu; Hawaiian Humane Society; The Humane Society of the United States; West Hawaii Humane Society; Hui Pono Holoholona; Equine 808 Horse Rescue; Animal Rights Hawaii; and twenty-eight private individuals. Testimony in opposition to this measure was submitted by the Office of the Public Defender. The Department of the Attorney General and two private individuals submitted comments.

Your Committee finds that this measure ensures that defendants convicted of cruelty to animals in the first or second degree should no longer be afforded the privilege of owning a pet animal.

Your Committee notes the concerns raised by the Office of the Public Defender and the Department of the Attorney General. The Office of the Public Defender testified that this measure is



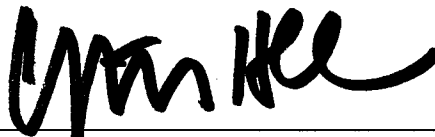
inconsistent with section 711-1110.5, Hawaii Revised Statutes, relating to the forfeiture of animals upon the conviction of cruelty to animals in the first or second degree, among other animal cruelty offenses. Under the surrender and forfeiture of animals law, the court has the discretion to determine whether to order the defendant to surrender or forfeit the animal, which is contrary to this measure. Furthermore, the Office of the Public Defender testified that this measure may potentially force households to choose between the convicted defendant and pet animal if the court allows the pet animal to remain at the residence. Lastly, the Department of the Attorney General indicated that this measure may have unintended consequences.

Accordingly, your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 9, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 9, S.D. 1, 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



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

|  |                                   |                            |     |         |
|--|-----------------------------------|----------------------------|-----|---------|
| Bill / Resolution No.:*<br><b>SB 9</b>   | Committee Referral:<br><b>JDL</b> | Date:<br><b>01-30-2013</b> |     |         |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____  |                                   |                            |     |         |
| The Recommendation is:<br><input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 |                                   |                            |     |         |
| Members  | Aye                               | Aye (WR)                   | Nay | Excused |
| HEE, Clayton (C)   | ✓                                 |                            |     |         |
| SHIMABUKURO, Maile S.L. (VC)   | ✓                                 |                            |     |         |
| GABBARD, Mike  | ✓                                 |                            |     |         |
| IHARA, Jr., Les  | ✓                                 |                            |     |         |
| SLOM, Sam  | ✓                                 |                            |     |         |
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| <b>TOTAL</b>   | <b>5</b>                          |                            |     |         |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |                                   |                            |     |         |
| Chair's or Designee's Signature:   |                                   |                            |     |         |
| <b>Distribution:</b> Original    Yellow    Pink    Goldenrod<br>File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy   |                                   |                            |     |         |

\*Only one measure per Record of Votes