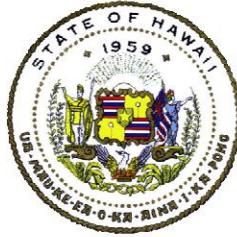


NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**

919 Ala Moana Blvd. 4<sup>th</sup> Floor  
Honolulu, Hawaii 96813

**TED SAKAI**  
INTERIM DIRECTOR

**MARTHA TORNEY**  
Deputy Director of  
Administration

Deputy Director  
Corrections

**KEITH KAMITA**  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 148  
A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS

By

Ted Sakai, Interim Director  
Department of Public Safety

House Committee on Judiciary  
Representative Karl Rhoads, Chair  
Representative Sharon E. Har, Vice Chair

Thursday, January 31, 2013, 2:05 p.m.  
State Capitol, Room 325

Chair Rhoads, Vice Chair Har, and Members of the Committee:

The Department of Public Safety (PSD) supports House Bill 148 which proposes to protect Law Enforcement animals by establishing criminal offenses for injuring or killing an animal engaged in law enforcement or corrections activities.

The Department views its drug and bomb detection dogs as part of our Law Enforcement family and feels that House Bill 148 would help deter an individual from injuring our dogs while conducting searches if the suspect knew that there were criminal penalties for such an action.

Thank you for the opportunity to testify on this matter.



**Office of the Public Defender  
State of Hawaii  
Timothy Ho, Chief Deputy Public Defender**



**Testimony of the Office of the Public Defender,  
State of Hawaii to the House Committee on Judiciary**

January 31, 2013 2:05 p.m.

H.B. No. 148: RELATING TO CRUELTY TO ANIMALS

Chair Rhoads and Members of the Committee:

This measure would create the offenses of cruelty to animals in the first and second degree. The Office of the Public Defender opposes H.B. 148 and proposes an amendment to this measure.

Our concern with this measure is that an innocent person erroneously targeted by a police officer and/or his dog who strikes, kicks, stabs or shoots that dog in self-defense would face a felony charge if it results in substantial bodily injury or death. Even a person correctly targeted by a police officer and/or his dog may instinctively strike or kick in order to avoid being bitten or attacked by that dog.

Hawaii differs from other states in that our strict gun laws mean that the potential for police dogs to get shot in the line of duty is low, and the fact that it has never occurred here is further proof that the risk is low.

We propose that this measure be amended by deleting the language from page 4, line 21 to line 22. A law enforcement animal cannot testify, and therefore proof of pain or injury would be difficult, if not impossible. Cruelty to a law enforcement animal in the second degree would then be defined as recklessly causing bodily injury to or death to a law enforcement animal.

For the reasons stated above, we oppose H.B. 148, and have proposed one amendment to this measure. Thank you for the opportunity to provide input on this measure.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO  
PROSECUTING ATTORNEY

ARMINA A. CHING  
FIRST DEPUTY PROSECUTING ATTORNEY



**THE HONORABLE KARL RHOADS, CHAIR**  
**HOUSE COMMITTEE ON JUDICIARY**  
**Twenty-Seventh State Legislature**  
**Regular Session of 2013**  
**State of Hawai'i**

January 31, 2013

**RE: H.B. 148; RELATING TO CRUELTY TO ANIMALS.**

Chair Rhoads, Vice-Chair Har and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney, City and County of Honolulu submits the following comments regarding House Bill 148.

The Department strongly supports the intent of this bill, and agrees that law enforcement animals are an integral part of the work done by Hawaii's law enforcement and corrections agencies, hand-selected and highly trained for their jobs. These animals diligently work side-by-side with law enforcement officers, deputies and other personnel, and should be afforded special protections.

Looking at the bill's specific language, it appears the word "or" on page 4, line 13, should be changed to "and," as it is likely the drafter intended for all of those types of restitution to be awarded upon conviction. Even so, we note that this restitution mandate may go beyond the usual restitution mandated under HRS §706-646, which may not be fair to other victims, though this is a matter of policy for the Legislature to decide.

The words "injury or pain" on page 4, line 21, may be somewhat problematic, as there is no definition of "injury," and "pain" in and of itself may be difficult to prove at times, particularly where the (direct) victim is unable to speak. Finally, we would ask that courthouse dogs, such as the one that works for our Department, be added to the definition of "law enforcement animal."

Thank you for the opportunity to testify on this matter.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulupd.org

KIRK W. CALDWELL  
MAYOR



LOUIS M. KEALOHA  
CHIEF

DAVE M. KAJIHIRO  
MARIE A. McCAULEY  
DEPUTY CHIEFS

OUR REFERENCE DC-MM

January 31, 2013

The Honorable Karl Rhoads, Chair  
and Members  
Committee on Judiciary  
State House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

Subject: House Bill No. 148, Relating to Cruelty to Animals

I am Darren Chun, Captain of the Specialized Services Division, Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department supports House Bill No. 148, Relating to Cruelty to Animals. Amending Chapter 711 of the Hawaii Revised Statutes to add two new sections establishing criminal offenses relating to injury caused to animals used by a law enforcement agency will provide these animals with protection while they are assisting our law enforcement officers.

Canines of the Specialized Services Division accompany our officers during high-risk, critical incidents. These canines face the same, if not a higher, degree of risk when assisting our officers in the apprehension of dangerous criminal offenders. We agree that the protections provided by House Bill No. 148 are needed to shield our law enforcement animals from harm while they work hard to keep Hawaii's communities safe.

Thank you for the opportunity to testify. I urge your committee to support and pass House Bill No. 148.

Sincerely,

A handwritten signature in black ink, appearing to read "Captain Darren Chun", written over a horizontal line.

DARREN CHUN, Captain  
Specialized Services Division

APPROVED BY:

A handwritten signature in black ink, appearing to read "Louis M. Kealoa", written over a horizontal line.

LOUIS M. KEALOHA  
Chief of Police



ALAN M. ARAKAWA  
MAYOR

OUR REFERENCE

YOUR REFERENCE

# POLICE DEPARTMENT

## COUNTY OF MAUI

55 MAHALANI STREET  
WAILUKU, HAWAII 96793  
(808) 244-6400  
FAX (808) 244-6411



GARY A. YABUTA  
CHIEF OF POLICE

CLAYTON N.Y.W. TOM  
DEPUTY CHIEF OF POLICE

January 30, 2013

The Honorable Karl Rhoads, Chair  
and Members of the Committee on Judiciary  
House of Representatives  
Hawaii State Capitol  
Honolulu, HI 96813

RE: House Bill No. 148, RELATING TO CRUELTY TO ANIMALS

Dear Chair Rhoads and Members of the Committee:

The Maui Police Department supports the passage of H.B. No. 148. The passage of this bill will establish a felony and misdemeanor offense for injuring or killing an animal engaged in law enforcement or corrections activities.

The connection with animals and law enforcement have been well documented for many years. These loyal partners work tirelessly to protect and serve their handlers along with providing a valuable service to keep our community safe. A law to protect them would be a helpful tool to prevent violators from targeting these loyal animals, and it would also show our community how much law enforcement values and honors them.

In summary, this law is needed to help support our animal partners who give their loyalty and, sometimes their lives to help and protect us. It is only fitting that since they are unable to speak for themselves that we take this opportunity to speak for them and protect them.

The Maui Police Department asks that you support the passage of H.B. No. 148.

Thank you for the opportunity to testify.

Sincerely,

GARY A. YABUTA *fw:*  
Chief of Police

**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 28, 2013 5:08 PM  
**To:** JUDtestimony  
**Cc:** cochonlibre@gmail.com  
**Subject:** \*Submitted testimony for HB148 on Jan 31, 2013 14:05PM\*

**HB148**

Submitted on: 1/28/2013

Testimony for JUD on Jan 31, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cathy Goeggel	Animal Rights Hawai'i	Support	No

Comments:

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 30, 2013 10:56 AM  
**To:** JUDtestimony  
**Cc:** teresa.parsons@hawaii.edu  
**Subject:** Submitted testimony for HB148 on Jan 31, 2013 14:05PM

**HB148**

Submitted on: 1/30/2013

Testimony for JUD on Jan 31, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teresa Parsons	Individual	Support	No

Comments: Animals engaged in the protection of everyone in Hawai'i, such as Police Dogs, Search and Rescue Dogs, and Drug Detection Dogs not only expand the capabilities of the law enforcement humans, but serve as legitimate members of the public. I urge you to support this bill to make it a felony to assault a law enforcement animal. They are putting their lives on the line for us and we should honor that with appropriate protection. Mahalo for your consideration of this important legislation.

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**har2-Vincent**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 31, 2013 12:29 AM  
**To:** JUDtestimony  
**Cc:** felinitous@yahoo.com  
**Subject:** \*Submitted testimony for HB148 on Jan 31, 2013 14:05PM\*

**HB148**

Submitted on: 1/31/2013

Testimony for JUD on Jan 31, 2013 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mary James	Individual	Support	No

Comments:

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