

LATE

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 CLIFT TSUJI, CHAIR
HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT & BUSINESS
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawai'i

February 1, 2013

RE: H.B. 233; RELATING TO COMMERCIAL DOG BREEDERS.

Chair Tsuji, Vice Chair Ward, and members of the House Committee on Economic Development & Business, the Department of the Prosecuting Attorney, City and County of Honolulu, submits the following testimony in support of H.B. 233. This bill is part of the Department's 2013 legislative package.

The purpose of this bill is to establish licensing and regulatory standards for large-scale dog breeders, currently defined (paraphrased) as someone who has more than ten (10) female dogs with intact sexual organs over the age of six months, for the purpose of breeding those dogs and selling, bartering or transferring their offspring. The definitions, standards of care, and enforcement language contained in H.B. 233 were derived from statutes successfully implemented in Pennsylvania, Colorado, Oregon, Washington, Missouri and various other states. Many of these statutes were adopted 20 to 30 years ago in their respective states, and have evolved over time to their current language.

Given recent cases that have been brought to the Department's attention, it is clear that large-scale dog breeders do exist in Hawaii, though the exact number is difficult to determine under current laws. Unless formal complaints are made by neighbors or other interested parties, law enforcement has little or no knowledge of how anyone treats the animals on their property, or how exactly many animals are kept on the property. By the time officials are alerted, the situation can be dire or beyond hope for the animals living there.

The Department strongly believes that animals, particular pet animals such as dogs, are entitled to a minimum standard of care from their owners, and further believes that the public is entitled to certain minimum expectations when they purchase a dog, which are often purchased

for hundreds or even thousands of dollars each, and require a lifelong commitment of care. While the maltreatment or neglect of one animal is bad enough, the problem is compounded exponentially when it affects dozens or even hundreds of dogs at a time, which can then produce multiple litters of puppies.

While the specific details or nuances of H.B. 233 are certainly open to discussion and revision--including input from individuals or organizations with dog care expertise--the Department strongly believes that the crux and purpose of this bill is good, and is necessary to facilitate future oversight of large-scale commercial dog breeders. Moreover, the Department believes that H.B. 233 would work alongside existing laws to prevent this specific form of animal abuse, and serve as a much-needed deterrent to those who may be inclined to over-breed or wrongfully breed dogs.

For the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports the passage of H.B. 233. Thank you for the opportunity to testify on this matter.

LATE

From: clarabow14@yahoo.com
Sent: Saturday, January 26, 2013 10:22 PM
To: Rep. Mele Carroll
Subject: It's time to do something about puppy mills in our state

Blair Boucher
1216 Palawai Lane/630708
Lana'i City, HI 96763-0708

January 27, 2013

The Honorable Mele Carroll
Hawaii House of Representatives
Hawaii State Capitol
Honolulu, HI 96813

Dear Representative Carroll:

Aloha-

Commercial breeding and pet sales regulation are long overdue in our state. I hope that when you have a chance to vote on the very important bills S7, S414 and H233, you will vote YES in favor of putting basic provisions in place to protect pets and consumers in our great state.

Let's not ever have a puppy mill case again like the 200-plus dogs and puppies found living in squalor on Oahu. I am in favor of all the basic provisions in these bills to regulate animal sales and provide oversight and minimum standards of care for dogs in commercial breeding facilities.

Unregulated breeding and irresponsible pet sales have continued for too long in Hawaii. This is such an important issue. Please do whatever you can to support and help enact these bills.

Mahalo for your thoughtful consideration.

Sincerely,

Blair Boucher
(808) 565-6675



From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 31, 2013 3:52 PM
To: edbtestimony
Cc: gcylbz@lava.net
Subject: Submitted testimony for HB233 on Feb 1, 2013 09:00AM

HB233

Submitted on: 1/31/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Gerald Luke	Individual	Oppose	No

Comments: For those who do not want to read the entire text, I will summarize my opinions below. After that I cite the pertinent sections of HB233: My primary concern is with a lack of “checks and balances” in the process leading up to license revocation, penalty, or the resultant burden placed on an individual to prove their innocence. It would appear that “the directoror representative” SHALL HAVE ... the power to apply penalties. Very little or nothing is said about requiring a court to intervene or oath be sworn to by those involved. This can lead to abuse by those who wish to use the system/law for an intent other than which it was written. My second concern is with the “free and unimpeded access to premises” that is granted as a byproduct of loss of commercial license. I do not want a law which requires I register as a “commercial dog breeder” that now causes me to lose all previously held rights to privacy, because of that “commercial dog breeder” definition. Somewhere back in my school days I learned about the Fourth Amendment which said “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized” Under the Fourth Amendment, law enforcement must receive written permission from a court of law, or otherwise qualified magistrate, to lawfully search and seize evidence while investigating criminal activity. A court grants permission by issuing a writ known as a warrant. A search or seizure is generally unreasonable and unconstitutional if conducted without a valid warrant and the police must obtain a warrant whenever practicable. It seems to me that granting this much power without some form of accountability is a dangerous move. It also seems to me that this INCREMENTAL REDUCTION of our rights is also very worrisome. The court of law was involved to prevent frivolous activity. Why is it being left out here? Diminution of rights should only occur in extreme circumstances. This is not one of them. I have edited to certain portions HB233 to an area that I am concerned with. Those paragraphs follow. EDITED >>>>>> "Department" means the department of commerce and consumer affairs, including an employee or agent thereof; or a designated society or organization duly contracted with the county to enforce animal-related statutes and ordinances, including an employee or agent thereof. "Director" means the director of the department of commerce and consumer affairs, or the director's representative or assignee. EDITED >>>>>> 5.....(d) The director shall have sole jurisdiction, power, authority, and discretion to grant, renew, deny, suspend, and revoke any license to operate as a commercial dog breeder, subject only to the provisions of this chapter and chapter 91. EDITED >>>>>>>>>> -7 Inspections; investigations; access. (b) After the denial, suspension, or revocation of a license for a commercial dog breeder, the department shall have free and unimpeded access to the premises and records EDITED >>>>>>>> In any such action, the director shall not be required to plead or prove

irreparable injury or the inadequacy of the remedy at law. Under no circumstances shall the court require the director to post a bond. Respectfully submitted, Gerald Luke District 10

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edbtestimony

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 31, 2013 7:03 PM
To: edbtestimony
Cc: dswatland@gmail.com
Subject: Submitted testimony for HB233 on Feb 1, 2013 09:00AM

Categories: LATE TESTIMONY

HB233

Submitted on: 1/31/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
David Swatland	Individual	Support	No

Comments: As a Kapahulu resident and dog owner, I am appalled by the continued irresponsible and abusive behavior exhibited by unlicensed dog breeders. It's obvious that voluntary enforcement is not working, as evidenced by several recent high profile interventions at Oahu dog breeders that resulted in hundreds of dogs ending up at the Humane Society. I strongly support this bill as it addresses many of the shortcomings and loopholes in the current regulations, and it will potentially result in a healthier and more humane environment for our state's future pets. Thank you for this opportunity to testify in support of this important bill. Regards, David Swatland

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 31, 2013 7:18 PM
To: edbtestimony
Cc: hamadasn@hawaii.rr.com
Subject: Submitted testimony for HB233 on Feb 1, 2013 09:00AM

Categories: LATE TESTIMONY

HB233

Submitted on: 1/31/2013
Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Sybil Hamada	Individual	Oppose	No

Comments: Mr. Chairman and Committee Members: I oppose HB233 because it does not address the critical issue of putting an end to abusive commercial dog breeders. Instead, it targets all commercial breeders, many who operate with utmost integrity for the perfection of their specific breed of dog. Although I have never bred nor owned more than two purebreed dogs at a time, I have always chosen to obtain mine from highly reputable breeders who have extensive knowledge about their breed. In my opinion, a reputable breeder is also one who allows the buyer to meet the puppy's parents, tour the property, and interact with the other dogs who are allowed the simple enjoyment of sunshine and grass under their feet. These kinds of breeders hide nothing from any potential buyers and exhibit a genuine love for their dogs. Please oppose HB233 along with other citizens who do not want these highly reputable breeders to be targeted along with the abusive commercial breeders. That would be a grave injustice to those who strive for the perfection of a breed of dog and not for the greed of money.

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edbtestimony

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To: edbtestimony
Cc: gcadiz@hawaii.rr.com
Subject: Submitted testimony for HB233 on Feb 1, 2013 09:00AM
Attachments: 2013-HB233

HB233

Submitted on: 1/31/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Gerri Cadiz	Hawaiian Kennel Club	Oppose	No

Comments:

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edbtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 31, 2013 10:20 PM
To: edbtestimony
Cc: cdfeld1@hotmail.com
Subject: Submitted testimony for HB233 on Feb 1, 2013 09:00AM

Follow Up Flag: Follow up
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HB233

Submitted on: 1/31/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher Feld	Individual	Oppose	Yes

Comments: Strongly oppose!

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 01, 2013 10:07 AM
To: edbtestimony
Cc: cshirai@earthlink.net
Subject: Submitted testimony for HB233 on Feb 1, 2013 09:00AM

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HB233

Submitted on: 2/1/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Shirai	Individual	Oppose	No

Comments: This bill as presently proposed places undue financial burdens on responsible breeders who are part time and raise litters not for profit but for love of their particular breed. If this bill was in existence three years ago, we would never had been able to acquire the pet we own today from the responsible part time breeder who made sure that the dog she was selling would have a nice home to grow up in.

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