



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

**LATE TESTIMONY**



**Testimony of the Office of the Public Defender,  
State of Hawaii to the Senate Committee on Judiciary and Labor**

January 30, 2013 9:30 a.m.

S.B. No. 9: RELATING TO ANIMALS

Chair Hee and Members of the Committee:

The Office of the Public Defender opposes S.B. 9, and suggests an amendment to this measure.

This measure would prohibit a person convicted of animal cruelty in the first and second degree from owning, possessing or residing with a pet animal for five years and one year, respectively.

The requirement that a person convicted of animal cruelty “shall be prohibited from possessing, owning, or residing with any pet animal” for a specific period of time is inconsistent with §711-1110.5, H.R.S., which governs the surrender or forfeiture of animals. Surrender or forfeiture of the animal, which was the subject of the cruelty charge, or other animals in the possession or control of the defendant is not mandatory, and the court may allow the animal to remain in the defendant’s possession or control. The defendant or another family member may have owned the pet that was the subject of the abuse. A person convicted of animal cruelty could reside with his family or other people who own a pet animal other than the one abused by the defendant.

Under this measure, the court could allow the animal to remain at the residence, but the defendant would be required to get rid of the animal, or move out. Families may be forced to choose between a pet and a defendant. This pet may belong to a young girl or boy, or a relative in the case of extended families living under a single roof.

We propose amending this measure by replacing the word “shall” on page 2, lines 14 and 22 with “may.” The court would have the discretion when sentencing a defendant for animal cruelty to order the animal surrendered or forfeited and prohibit the possession or ownership of any other pet animal for a specified period of time.

Thank you for the opportunity to provide input on this measure.

hee2 - Kathleen

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 29, 2013 12:12 PM  
**To:** JDLTestimony  
**Cc:** towle@hawaiiantel.net  
**Subject:** Submitted testimony for SB9 on Jan 30, 2013 09:30AM

**SB9**

Submitted on: 1/29/2013

Testimony for JDL on Jan 30, 2013 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Ginger Towle	West Hawaii Humane Society	Support	No

Comments: Having been involved in animal welfare for over 30 years I fell this is very lenient and must be passed. I would prohibit them from ever owning another animal. Perhaps if you have not witnessed some of these cases personally you might not understand. However, if you could see these poor little creatures that have been neglected you would better understand the need for this law.

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**Sent:** Tuesday, January 29, 2013 9:12 PM  
**To:** JDLTestimony  
**Cc:** brittleatice@gmail.com  
**Subject:** \*Submitted testimony for SB9 on Jan 30, 2013 09:30AM\*

**SB9**

Submitted on: 1/29/2013

Testimony for JDL on Jan 30, 2013 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Brittany Scott	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 29, 2013 9:11 PM  
**To:** JDLTestimony  
**Cc:** kakogachi@gmail.com  
**Subject:** \*Submitted testimony for SB9 on Jan 30, 2013 09:30AM\*

**SB9**

Submitted on: 1/29/2013

Testimony for JDL on Jan 30, 2013 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kacey Kogachi	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 29, 2013 4:58 PM  
**To:** JDLTestimony  
**Cc:** STARJACOBSEN@GMAIL.COM  
**Subject:** Submitted testimony for SB9 on Jan 30, 2013 09:30AM

**SB9**

Submitted on: 1/29/2013

Testimony for JDL on Jan 30, 2013 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
STAR JACOBSEN	Individual	Support	No

Comments: IT WOULD SEEM PRUDENT TO ADD THAT NO CONVICTED ABUSER CAN LIVE IN A HOUSEHOLD WITH PETS. EVEN IF THEY DO NOT "OWN" THEM.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 29, 2013 11:23 PM  
**To:** JDLTestimony  
**Cc:** kale@k9kokua.org  
**Subject:** \*Submitted testimony for SB9 on Jan 30, 2013 09:30AM\*

## **SB9**

Submitted on: 1/29/2013

Testimony for JDL on Jan 30, 2013 09:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kale	Individual	Support	Yes

## Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 30, 2013 3:00 AM  
**To:** JDLTestimony  
**Cc:** angelshave4legs2@aol.com  
**Subject:** Submitted testimony for SB9 on Jan 30, 2013 09:30AM

**SB9**

Submitted on: 1/30/2013

Testimony for JDL on Jan 30, 2013 09:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jane Shiraki	Individual	Comments Only	No

Comments: There must be a process in place to prove that the individual has been completely rehabilitated, or another animal will be at risk again.

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**Sent:** Tuesday, January 29, 2013 12:42 PM  
**To:** JDLTestimony  
**Cc:** spikecat1@aol.com  
**Subject:** \*Submitted testimony for SB9 on Jan 30, 2013 09:30AM\*

**SB9**

Submitted on: 1/29/2013

Testimony for JDL on Jan 30, 2013 09:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Judith Aikawa, MD	Individual	Support	No

Comments:

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**Sent:** Tuesday, January 29, 2013 12:00 PM  
**To:** JDLTestimony  
**Cc:** Cavalry50@aol.com  
**Subject:** Submitted testimony for SB9 on Jan 30, 2013 09:30AM

**SB9**

Submitted on: 1/29/2013

Testimony for JDL on Jan 30, 2013 09:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Deborah Wilson	Individual	Support	No

Comments: I fully support this measure.

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