
A BILL FOR AN ACT

RELATING TO CRUELTY TO ANIMALS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Hawaii's existing
2 penal code does not adequately address situations in which an
3 offender injures or kills an animal used by a law enforcement
4 agency or corrections facility. Dogs, horses, and other animals
5 are specifically trained to assist law enforcement in the
6 detection of criminal activity, enforcement of laws, or the
7 apprehension of criminal offenders. Although the death or
8 serious injury of a law enforcement animal is not yet a serious
9 problem in Hawaii, it has become a problem across the county.
10 During the last forty years, one hundred thirty-nine police dogs
11 have been killed in the line of duty by firearms. Nationally,
12 law enforcement animals are increasingly used on a daily basis
13 to assist officers in the field to safely complete their daily
14 activities, to search for narcotics and explosives, and in
15 search and rescue operations. In the last twenty years, law
16 enforcement agencies have come to rely upon trained animals to
17 address some of the most dangerous assignments. In 2000, the
18 federal government enacted the Federal Law Enforcement Animal



1 Protection Act, which recognized the need to provide legal
2 protection to the animals that work with law enforcement
3 personnel every day to keep communities safe. Forty-four states
4 and one territory have laws that protect law enforcement
5 animals, which include police dogs, police horses, and fire
6 dogs. Similar protections are needed to protect the law
7 enforcement animals that work hard every day to keep Hawaii's
8 communities safe.

9 The purpose of this Act is to protect law enforcement
10 animals by establishing criminal offenses that address varying
11 levels of injury caused to these animals. Specifically, this
12 Act makes it a:

- 13 (1) Felony for intentionally or knowingly causing the
14 death or substantial injury of a law enforcement
15 animal; and
- 16 (2) Misdemeanor for recklessly causing the death or
17 substantial injury of the animal or intentionally or
18 knowingly injuring the animal.

19 SECTION 2. Chapter 711, Hawaii Revised Statutes, is
20 amended by adding two new sections to be appropriately
21 designated and to read as follows:



1 "§711- Cruelty to a law enforcement animal in the first
2 degree. (1) A person commits the offense of cruelty to a law
3 enforcement animal in the first degree if the person
4 intentionally or knowingly strikes, beats, kicks, cuts, stabs,
5 shoots, or administers any type of harmful substance or poison
6 to any law enforcement animal while the animal is:

- 7 (a) Performing its duties as a law enforcement animal; and
- 8 (b) Under the control of any law enforcement officer or
9 corrections officer;

10 and thereby causes substantial bodily injury or death to the law
11 enforcement animal.

12 (2) Subsection (1) shall not apply to:

- 13 (a) Accepted veterinary practices;
- 14 (b) Activities carried on for scientific research governed
15 by standards of accepted educational or medicinal
16 practices; or
- 17 (c) Cropping or docking as customarily practiced.

18 (3) It is an affirmative defense to a prosecution under
19 this section that the law enforcement animal was handled by the
20 law enforcement or corrections agency in a manner contrary to:

- 21 (a) Well-recognized national handling procedures; or

1 (b) The policies and procedures of the applicable law
2 enforcement or corrections agency.

3 (4) In addition to any penalty imposed for a conviction
4 under this section, the court shall order the defendant to make
5 restitution to the applicable law enforcement or corrections
6 agency or any other person who owns the law enforcement animal
7 for any:

8 (a) Veterinary bills and other medical costs for the law
9 enforcement animal;

10 (b) Replacement costs if the law enforcement animal is
11 killed, disabled, or destroyed;

12 (c) Lost wages for the law enforcement animal's handler;
13 or

14 (d) Any other costs relating to any violation of this
15 section.

16 (5) Cruelty to a law enforcement animal in the first
17 degree is a class C felony.

18 §711- Cruelty to a law enforcement animal in the second
19 degree. (1) A person commits the offense of cruelty to a law

20 enforcement animal in the second degree if the person:

21 (a) Intentionally or knowingly causes injury or pain to a
22 law enforcement animal by any means; or



1 (b) Recklessly causes substantial bodily injury or death
2 to a law enforcement animal by any means;
3 while the animal is performing its duties as a law enforcement
4 animal and under the control of any law enforcement officer or
5 corrections officer.

6 (2) Subsection (1) shall not apply to:

7 (a) Accepted veterinary practices;

8 (b) Activities carried on for scientific research governed
9 by standards of accepted educational or medicinal
10 practices; or

11 (c) Cropping or docking as customarily practiced.

12 (3) It is an affirmative defense to a prosecution under
13 this section that the law enforcement animal was handled by the
14 law enforcement or corrections agency in a manner contrary to:

15 (a) Well-recognized national handling procedures; or

16 (b) The policies and procedures of the applicable law
17 enforcement or corrections agency.

18 (4) In addition to any penalty imposed for a conviction
19 under this section, the court shall order the defendant to make
20 restitution to the applicable law enforcement or corrections
21 agency or any other person who owns the law enforcement animal
22 for any:



- 1 (a) Veterinary bills and other medical costs for the law
- 2 enforcement animal;
- 3 (b) Replacement costs if the law enforcement animal is
- 4 killed, disabled, or destroyed;
- 5 (c) Lost wages for the law enforcement animal's handler;
- 6 or
- 7 (d) Any other costs relating to any violation of this
- 8 section.
- 9 (5) Cruelty to a law enforcement animal in the second
- 10 degree is a misdemeanor."

11 SECTION 3. Section 711-1100, Hawaii Revised Statutes, is
12 amended by adding a new definition to be appropriately inserted
13 and to read as follows:

14 "Law enforcement animal" means any dog, horse, or other
15 animal used by any law enforcement or corrections agency and
16 trained to work in the areas of tracking, suspect apprehension,
17 crowd control, drug detection, or explosives detection for law
18 enforcement or corrections purposes."

19 SECTION 4. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.

22 SECTION 5. New statutory material is underscored.

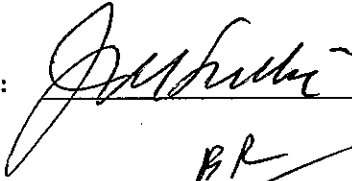


H.B. NO. 148

1 SECTION 6. This Act shall take effect upon its approval.

2

INTRODUCED BY:





JAN 17 2013



H.B. NO. 148

Report Title:

Crime; Animal Cruelty; Law Enforcement and Corrections Animals

Description:

Establishes a felony and misdemeanor offense for injuring or killing an animal engaged in law enforcement or corrections activities.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

