

Honolulu, Hawaii

February 15, 2013

RE: H.B. No. 148
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 148 entitled:

"A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS,"

begs leave to report as follows:

The purpose of this measure is to protect law enforcement animals by establishing criminal offenses that address varying levels of injury caused to these animals. Specifically, this measure:

- (1) Makes it a felony to intentionally or knowingly cause the death or substantial bodily injury of a law enforcement animal while the animal is engaged in its law enforcement or corrections duties;
- (2) Makes it a misdemeanor to intentionally or knowingly cause the animal injury or pain or to recklessly cause the death or substantial bodily injury of a law enforcement animal while the animal is engaged in its law enforcement or corrections duties;
- (3) Provides for an affirmative defense to a prosecution for the offense of cruelty to law enforcement animals; and
- (4) Requires restitution to the agency or owner of the law enforcement animal that has been injured or killed.



The Department of Public Safety, Honolulu Police Department, Animal Rights Hawaii, and a concerned individual supported this measure. The Office of the Public Defender opposed this measure.

Your Committee has amended this measure by:

- (1) Clarifying the offense of cruelty to a law enforcement animal in the second degree by removing causing pain as an actionable violation;
- (2) Clarifying the definition of "law enforcement animal";
- (3) Adding definitions of "bodily injury" and "substantial bodily injury"; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 148, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 148, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



State of Hawaii
House of Representatives
The Twenty-seventh Legislature

HSCR 494

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 148	Committee Referral: JUD, FIN	Date: ^{07 OK} 02/26/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	✓			
2. HAR, Sharon E. (VC)				✓
3. BELATTI, Della Au	✓			
4. BROWER, Tom	✓			
5. CABANILLA, Rida T.R.				✓
6. CARROLL, Mele				✓
7. ITO, Ken				✓
8. KAWAKAMI, Derek S.K.	✓			
9. LEE, Chris	✓			
10. TSUJI, Clift	✓			
11. WOOLEY, Jessica	✓			✓
12. MCDERMOTT, Bob	✓			
13. THIELEN, Cynthia	✓			
TOTAL (13)	8	0	0	5
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>_____ committee acronym(s)</small>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				