

Honolulu, Hawaii
February 28, 2013

RE: H.B. No. 493
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. 493 entitled:

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

begs leave to report as follows:

The purpose of this measure is to protect animals from unnecessary suffering and cruelty by:

- (1) Establishing the offense of cruelty to animals by trapping for the intentional, knowing, or reckless use, setting, or maintaining of a snare, conibear trap, or foot- or leg-hold trap in a residential area or other area where such devices are prohibited by law or rule and a steel-jawed leg-hold trap; and
- (2) Requiring that any dog or cat captured or killed in a snare or trap in a residential area be checked for identification and reported to a county animal control officer.

The Humane Society of the United States, The Nature Conservancy, Hawaiian Humane Society, Alley Cat Allies, Malama Waikoloa Nightingales, Hawaii Island Humane Society, and numerous concerned individuals supported this bill. The Department of Land and Natural Resources and a concerned individual provided comments.



To ensure that animals are treated humanely, your Committee reiterates that this measure prohibits the use of snares, conibear traps, and foot- or leg-hold traps in areas zoned as residential or where such traps are prohibited by law or rule and steel-jawed leg-hold traps, with specified and narrow exceptions. As such, your Committee emphasizes that such traps and snares should not be claimed to be, or used as, rodent control devices, and finds that this measure should not be ambiguous on this point.

Accordingly, your Committee has amended this measure to delete the exception for persons carrying out accepted practices for rodent control that do not involve the specified traps and snares.

Your Committee has further amended this measure to:

- (1) Broaden the exception to include persons acting as a designated cooperator or as an agent of the State to carry out activities required under a management plan approved by state or federal agencies; and
- (2) 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. 493, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 493, H.D. 1, and be placed on the calendar for Third Reading.

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



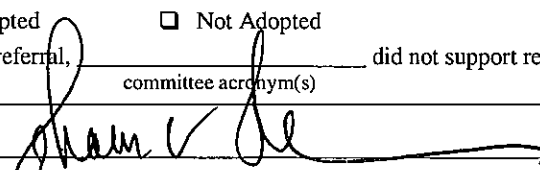
KARL RHOADS, Chair



HSCR 729

State of Hawaii
House of Representatives
The Twenty-seventh Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB493	Committee Referral: JUD	Date: 2/26/13		
<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)	X			
2. HAR, Sharon E. (VC)	X			
3. BELATTI, Della Au	X			
4. BROWER, Tom	X			X SEH
5. CABANILLA, Rida T.R.				X
6. CARROLL, Mele				X
7. ITO, Ken	X			
8. KAWAKAMI, Derek S.K.	X			
9. LEE, Chris	X			
10. TSUJI, Clift	X			
11. WOOLEY, Jessica				X
12. MCDERMOTT, Bob		X		
13. THIELEN, Cynthia	X			
TOTAL (13)	9	1		3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				