

JAN 22 2015

A BILL FOR AN ACT

RELATING TO ANIMALS.

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

1 SECTION 1. The legislature finds that in August 1994, an
2 African elephant named Tyke, who was brought to Honolulu as part
3 of a traveling circus, escaped from the Neal Blaisdell Center
4 after crushing her trainer to death and injuring fifteen other
5 people. Tyke was eventually killed by police officers after
6 going on a rampage on the streets of Honolulu, charging after
7 pedestrians and smashing cars throughout several city blocks.
8 Tyke suffered a slow and painful death after being hit by dozens
9 of bullets fired by police officers, because no one was prepared
10 or trained to effectively and mercifully kill a rampaging
11 African elephant. More recently, the 50th State Fair featured a
12 traveling show from the mainland in the summer of 2014 that
13 included grizzly bears and sea lions.

14 As vividly illustrated by the tragedy of Tyke, the extreme
15 stress and inhumane treatment that may be experienced by wild
16 and exotic animals used for a commercial display or performance
17 can cause them to behave unpredictably and even violently,



1 leading to increased risks to public safety. Such animals may
2 be subjected to constant travel, limited facilities, and long
3 periods of restricted movement.

4 The purpose of this Act is to enhance the safety of animals
5 and the public by prohibiting the commercial display or
6 performance of a live wild or exotic animal unless the animal
7 will physically reside in Hawaii for more than three hundred
8 days in the twelve-month period after entering the State.

9 SECTION 2. Chapter 711, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§711- Unlawful display or performance of a wild or
13 exotic animal. (1) A person commits the offense of unlawful
14 display or performance of a wild or exotic animal if the person
15 causes or permits the display or performance of any live wild or
16 exotic animal for any commercial purpose on any public or
17 private property, unless the animal will physically reside
18 within the State for more than three hundred days during the
19 twelve-month period immediately following the animal's entry
20 into the State.



1 (2) This section shall not apply to any person accredited
2 by the Association of Zoos and Aquariums or by a similarly
3 recognized, national or international, zoological or aquaria
4 accrediting body.

5 (3) For the purposes of this section:

6 "Commercial" means any for-profit business enterprise.

7 "Display" means the use or exhibition of a wild or exotic
8 animal.

9 "Domestic animal" means a pet animal or any livestock,
10 including poultry, cattle, swine, sheep, goats, or horses.

11 "Exotic animal":

12 (a) Means any non-domestic animal that is native to a
13 foreign country or of foreign origin or character, is
14 not native to the United States, its territories, or
15 possessions or was introduced from abroad; and

16 (b) Includes lions, tigers, leopards, elephants, camels,
17 antelope, anteaters, kangaroos, water buffalo, and
18 species of foreign domestic cattle, such as Ankole,
19 Gayal, and Yak.

20 "Performance" means any act, circus, ride, trade show,
21 carnival, parade, race, or similar undertaking in which wild or



1 exotic animals are required to perform tricks, fight, or
2 otherwise participate in activities for the entertainment,
3 amusement, or benefit of an audience.

4 "Wild animal":

5 (a) Means any animal that is now or historically has been
6 found in the wild, or in a wild state, within the
7 boundaries of the United States, its territories, or
8 possessions; and

9 (b) Includes a deer, skunk, opossum, raccoon, mink,
10 armadillo, coyote, squirrel, fox, wolf, bear, and
11 alligator.

12 (4) Unlawful display or performance of a wild or exotic
13 animal is a misdemeanor."

14 SECTION 3. New statutory material is underscored.

15 SECTION 4. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 5. This Act shall take effect upon its approval.

19

INTRODUCED BY:

~~SEN. D.C. Kirkling~~

BY REQUEST OF
ANOTHER PARTY



S.B. NO. 141

Report Title:

Penal Code; Display or Performance of Wild or Exotic Animals

Description:

Establishes a misdemeanor for the commercial display or performance of a live wild or exotic animal unless the animal will physically reside in Hawaii for more than three hundred days in the twelve-month period after entering the State. Exempts certain accredited entities.

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

