

JAN 22 2016

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 existing state law
2 does not require dog owners to notify officials upon transfer of
3 ownership. Furthermore, persons who implant microchips in their
4 dogs are not required to keep the information on the chip
5 updated. Consequently, it can often be difficult to track the
6 chain of ownership if a dog has been transferred multiple times.
7 This, in turn, hinders the ability to hold accountable those who
8 abandon their dogs or perpetrate acts of animal cruelty.

9 A recent example of a case that fell through the cracks is
10 that of Hope, a dog that was found on the side of a road in
11 Nanakuli and taken to a local veterinary hospital. Hope was in
12 such bad health upon arrival that a cruelty report was
13 immediately filed with the Honolulu police department. Hope
14 spent sixty-two days in hospital care, as she was severely
15 emaciated, had massive organ failure, and suffered from tick-
16 borne diseases, among other things.



1 While Hope was convalescing, volunteers diligently worked
2 to get the cruelty case heard. A reward was issued for the
3 person responsible, neighborhoods were canvassed, and Hope's
4 story was told by local media outlets. The man whose name was
5 registered to Hope's microchip informed law enforcement
6 officials that he had sold her, but could not provide the name
7 of the buyer. Further investigation discovered that ownership
8 of Hope had changed multiple times.

9 Ultimately, Hope died of complications directly related to
10 the abuse she suffered. However, due to holes in Hawaii's
11 current animal cruelty laws, no person was punished or held
12 accountable.

13 Accordingly, the purpose of this Act is to:

- 14 (1) Require persons holding a dog license to notify the
15 director of finance if ownership of the dog is
16 transferred;
- 17 (2) Require persons holding a dog license to provide
18 microchip information to the director of finance; and
- 19 (3) Extend criminal liability to the owner of a dog that
20 has been deprived of sustenance.



1 SECTION 2. This Act shall be known and may be cited as
2 "Hope's Law."

3 SECTION 3. Chapter 143, Hawaii Revised Statutes, is
4 amended by adding two new sections to be appropriately
5 designated and to read as follows:

6 "§143- Procedure for transfer of licensed dogs. (a) A
7 person who holds a dog license shall give notice to the director
8 of finance of the transfer of the dog within fourteen days of
9 the transfer. Notice shall be in a form provided by the
10 director of finance and shall include:

11 (1) All information required for licensing under section
12 143-4; and

13 (2) The name and address of the transferee.

14 The director of finance shall terminate the person's dog license
15 upon receipt of the notice of transfer of the dog.

16 (b) If a person fails to give notice of transfer of a dog
17 to the director of finance as required by this section, the
18 person shall retain all liability and the person shall be liable
19 for any acts of animal cruelty pursuant to section
20 711-1109(1)(b).



1 §143- Microchip information. A person who seeks or
2 holds a dog license for a dog with a microchip shall provide the
3 director of finance with the dog's microchip identification
4 number at the time the person applies for the license or, if the
5 microchip is obtained thereafter, within fourteen days from when
6 the microchip is obtained for the dog."

7 SECTION 4. Section 711-1109, Hawaii Revised Statutes, is
8 amended by amending subsection (1) to read as follows:

9 "(1) A person commits the offense of cruelty to animals in
10 the second degree if the person intentionally, knowingly, or
11 recklessly:

12 (a) Overdrives, overloads, tortures, torments, beats,
13 causes substantial bodily injury to, or starves any
14 animal, or causes the overdriving, overloading,
15 torture, torment, beating, or starving of any animal;

16 (b) Deprives a pet animal of necessary sustenance or
17 causes such deprivation; provided that:

18 (i) A person who abandons a dog, which abandonment
19 results in the dog being deprived of necessary
20 sustenance, shall be in violation of this
21 section; provided further that a person shall not



1 be considered to have abandoned a dog if the
2 person finds a dog running at large and delivers
3 the dog to an animal control officer, a duly
4 incorporated humane society, or a duly
5 incorporated society for the prevention of
6 cruelty to animals; and

7 (ii) The owner of a dog that has been deprived of
8 necessary sustenance shall also be in violation
9 of this section, regardless of whether the owner
10 directly caused the deprivation. For purposes of
11 this paragraph, the term "owner" includes the
12 person who most recently held the license on the
13 dog and the person who most recently registered
14 microchip information for the dog, pursuant to
15 chapter 143;

16 (c) Mutilates, poisons, or kills without need any animal
17 other than insects, vermin, or other pests; provided
18 that the handling or extermination of any insect,
19 vermin, or other pest is conducted in accordance with
20 standard and acceptable pest control practices and all
21 applicable laws and regulations;



- 1 (d) Keeps, uses, or in any way is connected with or
2 interested in the management of, or receives money for
3 the admission of any person to, any place kept or used
4 for the purpose of fighting or baiting any bull, bear,
5 cock, or other animal, and includes every person who
6 encourages, aids, or assists therein, or who permits
7 or suffers any place to be so kept or used;
- 8 (e) Carries or causes to be carried, in or upon any
9 vehicle or other conveyance, any animal in a cruel or
10 inhumane manner;
- 11 (f) Confines or causes to be confined, in a kennel or
12 cage, any pet animal in a cruel or inhumane manner;
- 13 (g) Tethers, fastens, ties, or restrains a dog to a
14 doghouse, tree, fence, or any other stationary object
15 by means of a choke collar, pinch collar, or prong
16 collar; provided that a person is not prohibited from
17 using such restraints when walking a dog with a hand-
18 held leash or while a dog is engaged in a supervised
19 activity; or



S.B. NO. 2164

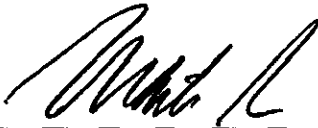


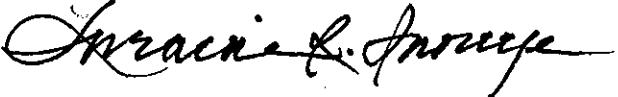


1 (h) Assists another in the commission of any act specified
 2 in [~~subsections (1)(a)~~] paragraphs (a) through
 3 [~~(1)(g)~~] (g)."

4 SECTION 5. This Act does not affect rights and duties that
 5 matured, penalties that were incurred, and proceedings that were
 6 begun before its effective date.

7 SECTION 6. Statutory material to be repealed is bracketed
 8 and stricken. New statutory material is underscored.

9 SECTION 7. This Act shall take effect upon its approval.

10

INTRODUCED BY: 








S.B. NO. 2164

Report Title:

Hope's Law; Animal Cruelty; Liability; Dog License; Microchip

Description:

Extends criminal liability for certain acts of cruelty to dog owners who fail to report transfers of ownership of the dog. Extends criminal liability for certain acts of animal cruelty to the most recent registered owner and person who most recently registered microchip information. Requires person holding a dog license to provide notification if the ownership of the dog is transferred.

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

