

JAN 22 2016

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# A BILL FOR AN ACT

RELATING TO ANIMALS.

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

1           SECTION 1. Chapter 143, Hawaii Revised Statutes, is  
2 amended by adding four new sections to be appropriately  
3 designated and to read as follows:  
4           "§143-A Employment of animal control officers;  
5 certification; training. (a) Beginning on January 1, 2018, a  
6 person who seeks to be an animal control officer shall be  
7 certified as an animal control officer upon completion of  
8 training established by the state veterinarian; provided that a  
9 person who is certified shall take and pass a recertification  
10 test each year.  
11           (b) The state veterinarian shall create and establish  
12 animal control officer training courses at entities throughout  
13 the State; provided that statewide notice shall be provided to  
14 allow for public comment prior to the final establishment of the  
15 training courses. The courses shall include but are not limited  
16 to the following topics:



- 1        (1) Pertinent animal control and protection laws and  
2        ordinances of the State and county;
- 3        (2) Recognizing suspected animal cruelty and neglect;  
4        (3) Animal care and protection; and  
5        (4) The complaint and hearing process.
- 6        (c) Based on the information provided by the entities that  
7        provide animal control officer training courses, the state  
8        veterinarian shall maintain the training and certification  
9        records for all animal control officers for the purposes of  
10       documenting and ensuring compliance with this section.
- 11       §143-B County humane investigators; qualifications; term;  
12       duties. (a) A person may submit an application to be a county  
13       humane investigator to the circuit court of the circuit in which  
14       the applicant seeks to become an investigator for approval. An  
15       application may be approved by the court if the person:
- 16       (1) Has never been convicted of animal cruelty or neglect,  
17       a felony, or a crime of moral turpitude based on a  
18       criminal background check that shall be paid for by  
19       the applicant and conducted by the circuit court;
- 20       (2) Has received a written recommendation from the  
21       administrative entity that oversees animal control in



1           the county in which the applicant seeks to be an  
2           investigator;

3           (3) Has completed a basic animal control course approved  
4           by the state veterinarian; and

5           (4) Resides in the State; provided that the applicant may  
6           reside outside of the State if the applicant is  
7           employed by a humane society located in the county in  
8           which the applicant seeks to be an investigator.

9           (b) Upon approval and appointment by the court, a county  
10          humane investigator shall complete fifteen hours of training in  
11          animal care and protection that is approved for animal control  
12          officers pursuant to section 143-A.

13          (c) County humane investigators shall serve a term of  
14          three years. An investigator may be reappointed to a  
15          consecutive term without an additional background check only if  
16          the investigator is reappointed no later than thirty days after  
17          the expiration of the initial term.

18          (d) County humane investigators shall have all the powers  
19          of a sheriff or police officer in carrying out this section, may  
20          investigate alleged or confirmed violations of laws and  
21          regulations pertaining to the care and treatment of animals and



1 disposal of dead animals, and may intervene to prevent the  
2 perpetration of any act of cruelty upon an animal; provided that  
3 an investigator shall carry a county-issued identification card  
4 that includes:

5 (1) Name;

6 (2) County that the investigator oversees;

7 (3) Name of the circuit court and circuit court judge that  
8 approved the investigator's application and appointed  
9 the investigator;

10 (4) Signature of the appointing circuit court judge;

11 (5) Photograph of the investigator; and

12 (6) Expiration date of appointment.

13 (e) County humane investigators shall document all  
14 investigations and submit a quarterly report to the  
15 administrative entity that oversees animal control in the  
16 relative county.

17 (f) County humane investigators shall serve without  
18 compensation but shall be reimbursed for expenses, including  
19 travel expenses, necessary for the performance of their duties.

20 (g) An investigator's appointment shall be revoked if the  
21 investigator is no longer able to perform the duties of an



1 investigator, is convicted of a felony or misdemeanor, violates  
 2 any provisions of this chapter or any other law or regulation  
 3 pertaining to animals, fails to document investigations or  
 4 submit a quarterly report, or upon good cause shown.

5 §143-C General right of inspection; animal control  
 6 officers; county humane inspectors. (a) Upon receiving a  
 7 complaint pertaining to animal control, animal cruelty, or any  
 8 other law or regulation pertaining to animals, an animal control  
 9 officer may enter during business hours upon any business  
 10 premises for the purposes of investigating the complaint;  
 11 provided that a search warrant is necessary to enter upon any  
 12 other premises.

13 (b) Upon receiving a complaint pertaining to laws or  
 14 regulations associated with the care and treatment of animals  
 15 and disposal of dead animals, a county humane inspector may  
 16 enter during normal business hours upon any business premises  
 17 for the purposes of investigating the complaint; provided that a  
 18 search warrant is necessary to enter upon any other premises.

19 §143-D Seizing and impounding animals; hearing. (a) Any  
 20 county humane investigator or officer may seize and impound any  
 21 animal that has been abandoned, treated cruelly, or is in a



1 condition or situation that poses an immediate threat to the  
2 animal's safety, health, or life; provided that:

3 (1) Only the state veterinarian or a state veterinarian's  
4 representative may seize and impound an equine; and

5 (2) Unless there is an immediate threat to the animal's  
6 safety, health, or life, a non-domestic animal shall  
7 not be seized until the state veterinarian or a state  
8 veterinarian's representative has advised of the most  
9 appropriate action; provided that the owner or tenant  
10 of the land where the animal is located authorizes the  
11 seizure and impoundment or there is a court order.

12 (b) Upon the seizure or impounding of an animal, the  
13 humane investigator or officer shall petition the court for a  
14 hearing to determine whether the animal has been abandoned,  
15 treated cruelly, or not been provided with adequate care;  
16 provided that:

17 (1) Written notice of the date, time, and place of the  
18 hearing is provided to the animal's owner five days  
19 prior to the hearing or published in a newspaper of  
20 general circulation if the owner is unknown;



- 1           (2) The hearing shall be scheduled within ten days of the  
2           seizure of the animal;
- 3           (3) The owner of the animal shall have a right of appeal  
4           from a final order and is entitled to a jury trial  
5           upon request;
- 6           (4) A county organization or society that has been formed  
7           for the prevention and cruelty to animals, a humane  
8           investigator, or officer shall care and provide for  
9           the animal until the conclusion of the court's  
10           proceedings;
- 11           (5) If the court determines that the animal has not been  
12           abandoned, has not been treated cruelly, or has been  
13           provided with adequate care, the animal shall be  
14           returned to the owner;
- 15           (6) If the court determines that the animal has been  
16           abandoned, has been treated cruelly, or has not been  
17           provided with adequate care, the court may prohibit  
18           the owner from possessing or owning another similar  
19           animal and shall order the owner of the animal to pay  
20           all reasonable expenses incurred in caring and  
21           providing for the animal from the time of seizure



1           until the date of the court's order. The animal shall  
2           be taken to a county organization or society that  
3           provides shelter to animals and has been formed for  
4           the prevention and cruelty to animals; provided that  
5           the county shall sell any non-domestic animal."

6           SECTION 2. Section 143-1, Hawaii Revised Statutes, is  
7 amended by adding three new definitions to be appropriately  
8 inserted and to read as follows:

9           "Animal control officer" means a person appointed or  
10          employed to enforce laws relating to animal control, animal  
11          cruelty, or any other law or regulation pertaining to animals.

12          "County humane investigator" means a person appointed to  
13          investigate alleged or confirmed violations of laws and  
14          regulations pertaining to the care and treatment of animals and  
15          disposal of dead animals.

16          "Non-domestic animal" means an animal that is not tamed and  
17          not made fit for a human environment."

18          SECTION 3. Section 143-7, Hawaii Revised Statutes, is  
19 amended to read as follows:

20          "**§143-7 Pounds and animal control officers.** The council  
21 of each county may establish and maintain pounds for the





1 impounding of dogs under this chapter, and may provide for the  
 2 appointment and compensation of animal control officers who  
 3 shall have all the powers of a sheriff or police officer in  
 4 carrying out this chapter[-] and may intervene to prevent the  
 5 perpetration of any act of cruelty upon an animal; provided that  
 6 animal control officers shall be certified as animal control  
 7 officers pursuant to section 143-A."

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

11 SECTION 5. In codifying the new sections added by section  
 12 1 of this Act, the revisor of statutes shall substitute  
 13 appropriate section numbers for the letters used in designating  
 14 the new sections in this Act.

15 SECTION 6. Statutory material to be repealed is bracketed  
 16 and stricken. New statutory material is underscored.

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

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# S.B. NO. 2270

**Report Title:**

Animal Control Officers; Training; Certification; County Humane Investigators; Inspection; Seizure; Hearing

**Description:**

Beginning on 1/1/2018, requires a person who seeks to be an animal control officer to be certified as an animal control officer upon completion of training established by the state veterinarian. Authorizes the appointment of county humane investigators, establishes animal control officers' and county humane investigators' rights of inspection and seizure and a hearing process for animals seized.

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

