

JAN 22 2016

S.B. NO. 2460

A BILL FOR AN ACT

RELATING TO ANIMALS.

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

1 SECTION 1. Section 711-1109, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§711-1109 Cruelty to animals in the second degree. (1)

4 A person commits the offense of cruelty to animals in the second
5 degree if the person intentionally, knowingly, or recklessly:

6 (a) Overdrives, overloads, tortures, torments, beats,
7 causes substantial bodily injury to, or starves any
8 animal, or causes the overdriving, overloading,
9 torture, torment, beating, or starving of any animal;

10 (b) Deprives a pet animal of adequate shelter or necessary
11 sustenance or causes ~~such~~ that deprivation;

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



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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] :

16 (i) By means of a choke collar, pinch collar, or
17 prong collar;

18 (ii) In a configuration that:

19 (A) Entangles and endangers a dog;

20 (B) Unreasonably limits a dog's movement in an
21 unsafe or unsanitary condition; or



- 1 (C) Causes injury to a dog;
- 2 (iii) By use of a restraint that:
- 3 (A) Is shorter than five times the length of the
- 4 dog, as measured from the tip of the dog's
- 5 nose to the base of the dog's tail, or ten
- 6 feet, whichever is greater; or
- 7 (B) Uses a lead that exceeds one-eighths of the
- 8 dog's body weight or is a tow or log chain;
- 9 (iv) Unattended by use of a restraint that
- 10 unreasonably limits the dog's movement between
- 11 the hours of 10:00 p.m. and 6:00 a.m.;
- 12 (v) For more than:
- 13 (A) Ten hours in a twenty-four hour period; or
- 14 (B) Fifteen hours in a twenty-four hour period
- 15 if the restraint is attached to a running
- 16 line, pulley, or trolley system; or
- 17 (vi) During extreme weather conditions, including
- 18 conditions in which:
- 19 (A) The actual or effective outdoor temperature
- 20 is below thirty-two degrees Fahrenheit;



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- 1 (B) A heat advisory has been issued by a local
2 or state authority or jurisdiction; or
3 (C) A hurricane, tropical storm, or tsunami
4 warning has been issued for the jurisdiction
5 by the National Weather Service;

6 provided that a person is not prohibited from using
7 [~~such restraints~~] a choke collar, pinch collar, or
8 prong collar when walking a dog with a hand-held leash
9 or while a dog is engaged in a supervised activity; or

10 (h) Assists another in the commission of any act specified
11 in subsections (1)(a) through (1)(g).

12 (2) Subsection (1)(a), (b), (c), (e), (f), (g), and (h)
13 shall not apply to:

- 14 (a) Accepted veterinary practices;
15 (b) Activities carried on for scientific research governed
16 by standards of accepted educational or medicinal
17 practices; or
18 (c) Pest control operations conducted pursuant to chapter
19 149A by a pest control operator licensed pursuant to
20 chapter 460J, if the pest control is performed under a
21 written contract.



1 (3) Whenever any animal is so severely injured that there
2 is no reasonable probability that its life or usefulness can be
3 saved, the animal may be immediately destroyed without creating
4 any offense under this section.

5 (4) As used in this section, "adequate shelter" shall not
6 include crawl spaces, steps, decks, stoops, the underside of
7 vehicles, carriers or crates used for transport, or shelters
8 with chain link floors.

9 ~~[(4)]~~ (5) Cruelty to animals in the second degree is a
10 misdemeanor ~~[7]~~ punishable by:

11 (a) For a first violation, a fine of not less than \$100;

12 and

13 (b) For a subsequent violation, a fine of not less than

14 \$300 or imprisonment not exceeding six months, or

15 both;

16 except where the offense involves ten or more pet animals in any
17 one instance which is a class C felony."

18 SECTION 2. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



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1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.
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Report Title:

Cruelty to Animals; Restraints; Shelter

Description:

Prohibits certain restraints and activities relating to dogs.
Specifies penalties.

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

