

Honolulu, Hawaii

MAR 24 2016

RE: H.B. No. 2245
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 2245, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ANIMALS,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the
offense of animal desertion to:

- (1) Clarify that a violation of animal desertion is subject to a fine of \$1,000 in addition to any other penalties;
- (2) Establish that if, as a result of the desertion, the animal suffers death or substantial bodily injury, or causes the death or injury of livestock, the person is guilty of a misdemeanor and subject to a fine of \$2,000 in addition to any other penalties;
- (3) Establish that each violation is a separate offense; and
- (4) Create an exemption for the release of any animal as part of a population management program.

Your Committee received testimony in support of this measure from the Department of Agriculture, The Humane Society of the United States, Poi Dogs & Popoki, Hawaiian Humane Society, Animal Rights Hawai'i, and four individuals. Your Committee received



comments on this measure from the Department of the Attorney General and Department of Land and Natural Resources.

Your Committee finds that pets depend on people for care and compassion. When these pets are abandoned, they can become victims of starvation, disease, injury, death, and cruelty by humans. Abandoned pets have also been known to harm native wildlife. By increasing the penalties for violating the animal desertion law, this measure encourages pet owners to find a home for their pets or surrender their pets to local shelters and rescue groups rather than abandon their pets.

Your Committee notes that this measure amends chapter 143, Hawaii Revised Statutes (HRS), which relates to the licensing and regulation of dogs. Your Committee believes that the statutory placement merits further discussion as this measure moves through the legislative process - specifically, whether this measure should apply to pet animals as defined under section 711-1100, HRS, any animal that a person may own as a pet, or any animal, including wildlife.

Your Committee notes the concerns regarding the enforceability of this measure expressed in the testimony submitted by the Department of the Attorney General.

Accordingly, your Committee has amended this measure by:

- (1) Adopting the language suggested by the Department of the Attorney General that amends section 143-2.6, HRS, to:
 - (A) Clarify that it is unlawful for the owner of any animal or any person in possession of an animal to desert that animal;
 - (B) Include a fine of at least \$1,000 in addition to other penalties for the existing petty misdemeanor offense for animal desertion;
 - (C) Establish a misdemeanor offense and a fine of at least \$2,000 in addition to other penalties when an animal is deserted and the person who deserted the animal recklessly causes the death of or substantial bodily injury to the animal or the deserted animal subsequently causes the death or injury of livestock;



- (D) Establish a separate offense for each animal deserted that suffers death or substantial bodily injury;
 - (E) Create an exemption for animal population control or animal surrender; and
 - (F) Add the definition of "desert";
- (2) Clarifying that the exemption applies to the surrender of an animal to a society or organization formed for the prevention of cruelty to animals or similar animal protection program;
 - (3) Inserting an effective date of January 7, 2059, to encourage further discussion; and
 - (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2245, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2245, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

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


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB 2245 HD1	Committee Referral: JDL, WAM	Date: 3/21/16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)	/			
GABBARD, Mike				/
KAHELE, Kaiali'i	/			
KIM, Donna Mercado				/
THIELEN, Laura H.	/			
SLOM, Sam	/			
TOTAL	5			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes