

STAND. COM. REP. NO.

987

Honolulu, Hawaii

March 7, 2017

RE: H.B. No. 1516
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1516 entitled:

"A BILL FOR AN ACT RELATING TO ANIMAL FORFEITURE,"

begs leave to report as follows:

The purpose of this measure is to allow for the forfeiture of rescued animals prior to the filing or disposition of criminal charges by:

- (1) Enabling a duly incorporated humane society or duly incorporated society for the prevention of cruelty to animals that is holding the animal to petition the court for forfeiture of the impounded pet animal or equine animal; and
- (2) Requiring immediate forfeiture of the pet animal or equine animal to the petitioner based on a finding of probable cause that the animal was subject to a violation of certain specified cruelty to animal offenses or, if probable cause is not established, direct the return of the animal to the owner or custodian of the impounded animal.

The Hawaiian Humane Society, Hawaii Island Humane Society, Maui Humane Society, Neighborhood Cats, Animal Rights Hawaii, and

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many individuals testified in support of this measure. The Pacific Pet Alliance, American Kennel Club, and one individual testified in opposition. The Department of the Attorney General and City and County of Honolulu Department of the Prosecuting Attorney provided comments.

Your Committee has amended this measure by:

- (1) Deleting the provision requiring the return of the impounded animals to the owner if probable cause is not established and the assessment of the owner for costs incurred for the care of the impounded animals;
- (2) Deleting the provision authorizing the incorporated humane society or incorporated society for the prevention of cruelty to animals, upon forfeiture of the impounded animal, to determine the final disposition of the animal in accordance with practices for the humane treatment of animals;
- (3) Re-instating the existing procedure that enabled the animal's owner to prevent forfeiture and retain ownership of the animal;
- (4) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1516, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1516, H.D. 1.

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



SCOTT Y. NISHIMOTO, Chair



