

Honolulu, Hawaii

APR 06 2017

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

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 1516, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Allow any duly incorporated humane society or duly incorporated society for the prevention of cruelty to animals that is holding an impounded pet animal or equine animal to file a petition for forfeiture of that animal prior to the filing of any criminal charge that may arise from the circumstances supporting the impoundment; and
- (2) Require the petitioner to serve a true copy of the petition for forfeiture upon the owner or custodian of the impounded animal, rather than defendant, and the prosecuting attorney.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney, City and County of Honolulu; Hawaiian Humane Society; Hawaii Island Humane Society; and thirty-three individuals. Your Committee received testimony in opposition to this measure from the American Kennel



Club, Shetland Sheepdog Club of Hawaii, Obedience Training Club of Hawaii, West Oahu Kennel Club, Pacific Pet Alliance, and thirteen individuals.

Your Committee finds that existing law allows a duly incorporated humane society or duly incorporated society for the prevention of cruelty to animals that is holding an impounded pet animal or equine animal to file a petition for forfeiture of that animal prior to the final disposition of a criminal charge of certain offenses. However, the final disposition of rescued animals can be delayed while preparing for a criminal case, especially when large numbers of animals are involved. This delay can impose extraordinary costs and strains upon the incorporated humane society or incorporated society that is tasked with the care of the animals; postpone the full recovery of the animals that are being held unnecessarily; and prevent the adoption of the rescued animals. This measure allows incorporated humane societies or duly incorporated societies to petition for forfeiture prior to the filing of any criminal charge that may arise from the circumstances supporting the impoundment to expedite the adoption of impounded animals and decrease the costs of caring for these animals.

Your Committee notes that this measure applies only to pet animals and equine animals, which are terms that are defined under section 711-1100, Hawaii Revised Statutes. Your Committee further notes that this measure applies only to pet animals or equine animals that are impounded pursuant to section 711-1109.1, Hawaii Revised Statutes, based on a violation of the offense of cruelty to animals in the first degree, cruelty to animals in the second degree, cruelty to animals by fighting dogs in the first degree, or cruelty to animals by fighting dogs in the second degree. Thus, an incorporated humane society holding an impounded animal pursuant to section 711-1109.1, Hawaii Revised Statutes, is limited by statute to only filing a petition for forfeiture of the animal for circumstances arising from the violation of any of these certain offenses.

Accordingly, your Committee has amended this measure by:

- (1) Adding clarifying language to distinguish between a petition filed for the forfeiture of a pet animal or equine animal before the filing of a specific criminal



charge that arises from the impoundment and a forfeiture petition filed prior to the final disposition of a certain criminal charge, and making conforming amendments to section 711-1109.2, Hawaii Revised Statutes, to reflect the clarifying language;

- (2) Adopting the language submitted by the Hawaiian Humane Society that allows a pet animal or equine animal to be destroyed by the petitioner prior to final disposition of certain criminal charges if the pet animal or equine animal is a danger to itself or others;
- (3) Adopting the language submitted by the Department of the Prosecuting Attorney of the City and County of Honolulu that clarifies that an acquittal or dismissal in a criminal proceeding does not preclude civil proceedings under chapter 711, Hawaii Revised Statutes; 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. 1516, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1516, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

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


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB 1516, HDI	Committee Referral: JDL	Date: 3/31/17		
<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)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
TOTAL	4	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes