

STAND. COM. REP. NO.

1376

Honolulu, Hawaii

March 24, 2017

RE: S.B. No. 700  
S.D. 1  
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 Agriculture, to which was referred S.B. No. 700, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure, as received by your Committee, is to provide further protections for indigenous birds by amending the offense of cruelty to animals in the first degree to include the intentional or knowing torture, mutilation, or poisoning, assistance in or causing of torture, mutilation, or poisoning, of two or more indigenous birds.

For purposes of a public hearing on this measure, your Committee circulated a proposed draft (Proposed H.D. 1) and notified the public that it would be accepting testimony on the proposed draft, which:

- (1) Adds provisions that amend the offense of cruelty to animals in the second degree to include the intentional, knowing, or reckless, uses of a trolley, pulley, cable, or running line designed to attach a dog to two stationary objects under specified conditions; and



- (2) Redefines "indigenous bird" to include only bird species living naturally in Hawaii without having been brought to Hawaii by humans.

The Department of the Prosecuting Attorney of the City and County of Honolulu, Conservation Council for Hawaii, Hawaiian Humane Society, West Hawaii Humane Society, Pele Lani Farm LLC, Neighborhood Cats, Animal Rights Hawaii, Windward Dog Park Hui, and numerous individuals testified in support of this measure. The Humane Society of the United States testified in support of this measure with amendments. The Department of Land and Natural Resources, Department of the Attorney General, and several individuals provided comments on this measure.

Your Committee has amended this measure by:

- (1) Adopting the Proposed H.D. 1; and
- (2) Making further amendments that:
  - (A) Revert back to the definition of "indigenous bird" that includes bird species occurring or living naturally in Hawaii, as in the S.D. 1 version of this measure;
  - (B) Amend the offense of cruelty to animals in the first degree to apply to the intentional or knowing torture, mutilation, poisoning, or assistance or causing the torture, mutilation, or poisoning of one indigenous bird instead of two or more;
  - (C) Amend the offense of cruelty to animal in the second degree by including restraint of a dog outdoors for a period determined by county ordinance, rather than for more than twenty-four hours;
  - (D) Add a severability clause; and
  - (E) Make technical, nonsubstantive amendments for clarity, consistency, and style.

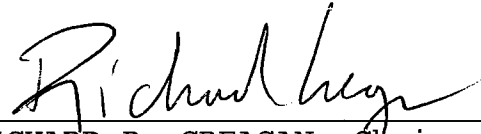
Should the Committee on Judiciary deliberate on this measure, your Committee respectfully requests that it consider the



testimony of the Attorney General regarding the protections under chapter 183D, Hawaii Revised Statutes, and section 13-124-3, Hawaii Administrative Rules.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 700, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 700, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary.

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



RICHARD P. CREAGAN, Chair



