

Honolulu, Hawaii

MAR 03 2017

RE: S.B. No. 700
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
S.B. No. 700 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to amend the
offense of cruelty to animals in the first degree to include
certain indigenous birds that are not determined to be an
endangered or threatened species under chapter 195D, Hawaii
Revised Statutes.

Your Committee received testimony in support of this measure
from the Department of Land and Natural Resources, Conservation
Council for Hawai'i, Hawaiian Humane Society, and twenty
individuals.

Your Committee finds that the federal Endangered Species Act
of 1973 and chapter 195D, Hawaii Revised Statutes, ensure the
perpetuation of aquatic life, wild life, and land plants and their
habitats by listing as endangered or threatened certain species of
aquatic life, wild life, and land plants for protection and
conservation. However, there are indigenous species, such as the
Laysan albatross, that are not deemed endangered or threatened and
thus are not afforded the same federal and state protections as
those listed species. This measure affords legal protections for
these unlisted indigenous birds.



Your Committee has amended this measure by:

- (1) Adopting the language suggested by the Department of Land and Natural Resources that amends the definition of "indigenous bird" to include all indigenous birds in Hawaii, including birds that are endangered or threatened;
- (2) Establishing a separate criminal conduct under the offense of cruelty to animals in the first degree to prohibit the torturing, mutilation, or poisoning, or assisting another person in or causing the torturing, mutilation, or poisoning of two or more indigenous birds;
- (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 S.B. No. 700, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 700, S.D. 1.

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.:* <i>SB 700</i>	Committee Referral: <i>AEN, JDL</i>	Date: <i>3/2/17</i>		
<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	<i>5</i>	<i>0</i>	<i>0</i>	<i>0</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes