

SB 700

DAVID Y. IGE
GOVERNOR OF
HAWAII



SUZANNE D. CASE
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COMMISSION ON WATER RESOURCE MANAGEMENT

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LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committee on
AGRICULTURE AND ENVIRONMENT

Wednesday, February 1, 2017
1:15 PM
State Capitol, Conference Room 224

In consideration of
SENATE BILL 700
RELATING TO ANIMAL CRUELTY

Senate Bill 700 proposes to add a new definition of indigenous birds under Section 711-1100, Hawaii Revised Statutes (HRS), and amends Section 711-1108.5, HRS, so that the offense of cruelty to animals in the first degree includes indigenous birds. **The Department of Land and Natural Resources (Department) supports this measure with amendments.**

The Department defines indigenous wildlife, including indigenous birds under Chapter 13-124, Hawaii Administrative Rules, as 'any species or subspecies of animal, including migratory forms, occurring or living naturally in Hawaii without having been brought to Hawaii by humans and listed in, but not limited to, the exhibit entitled "Exhibit 1, Chapter 13-124, Indigenous Wildlife of Hawaii, 11/1/14" and as updated, which is located at the end of this chapter and incorporated by reference.' The Department recommends using this definition as it pertains to indigenous birds to afford protections under the animal cruelty laws for all indigenous birds in Hawaii.

Thank you for the opportunity to testify on this measure.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 4:56 PM
To: AEN Testimony
Cc: kdane@humanesociety.org
Subject: Submitted testimony for SB700 on Feb 1, 2017 13:15PM

SB700

Submitted on: 1/31/2017

Testimony for AEN on Feb 1, 2017 13:15PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---|---------------------------|---------------------------|
| Keith Dane | The Humane Society of the United States | Support | No |

Comments: The Humane Society of the United States supports legislation to allow felony animal cruelty charges to be filed against individuals who torture, mutilate, or poison any animal. In addition to the inclusion of indigenous birds as proposed in SB700, we request that all animals, as defined by the cruelty statute, be afforded protection from felony-level animal cruelty. Under the current statute, it is a felony to intentionally or knowingly torture, mutilate or poison “pet” or “equine” animals but it is not unlawful to commit such heinous acts against other animals. All animals, regardless of whether they are our companions or free-roaming, should be protected from extreme acts of cruelty. Abuse of animals has been consistently linked with other violent criminal behaviors. In fact, the FBI is now tracking crimes against animals alongside felony crimes like arson and murder because such acts are a strong early predictor of human violence. Studies have shown that up to 67 percent of violent offenders have committed acts of animal cruelty compared to nonviolent offenders. In one NJ study, 88 percent of families with physical child abuse also had histories of animal abuse and research shows that 43 percent of school shooters have histories of abusing animals. Protecting animals from purposeful violence protects humans. This simple, commonsense update to our animal cruelty statute will protect all animals from intentional cruelty and make our communities safer.

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Hawaiian Humane Society

People for animals. Animals for people.

2700 Waialae Avenue Honolulu, Hawaii 96826
808.356.2200 • HawaiianHumane.org

Chairman Sen. Mike Gabbard
Vice Chairman Sen. Gil Riviere
And members of the Committee on Agriculture and Environment

SB700

Wednesday, Feb. 1, 2017
1:15 p.m., Capitol Conference Room 224

The Hawaiian Humane Society would like to testify in support of SB700, which intends to protect indigenous birds not covered under the federal Endangered Species Act or Ch. 195D of Hawaii Revised Statutes by adding them to the law prohibiting cruelty to animals in the first degree.

The Hawaiian Humane Society's mission is to promote the human animal bond and the humane treatment of all animals. We have a proud history of standing up for protections for wildlife, as well as companion animals.

Cruelty is unacceptable when directed at any creature, human or animal. A significant body of research reveals overlap between people who abuse animals, of any kind, and those who abuse human beings.

While the Society does not distinguish between endemic, indigenous or introduced species in calling for the humane treatment of all animals, SB700 means to fill a loophole that denies birds like the Laysan albatross the same legal protections afforded threatened or endangered birds. Ideally we would like to see animal cruelty laws extended to protect all birds, but we support the intent of SB700.

Please let me know if I can be of assistance.

Aloha,

Stephanie Kendrick
Public Policy Advocate
Hawaiian Humane Society
808-356-2217

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 5:45 AM
To: AEN Testimony
Cc: Westhawaiihumanesociety@gmail.com
Subject: Submitted testimony for SB700 on Feb 1, 2017 13:15PM

SB700

Submitted on: 1/31/2017

Testimony for AEN on Feb 1, 2017 13:15PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|----------------------------|---------------------------|---------------------------|
| Inga Gibson | West Hawaii Humane Society | Support | No |

Comments: Dear Chair Gabbard and AEN Committee Members, The West Hawaii Humane Society fully supports adding additional animals, including threatened or endangered birds, to the felony animal cruelty statute. Many states in fact allow the application of felony penalties to any and all animals, given the nature of the crime. Hawaii's current felony law only applies to "pet" or "equine" animals yet any animal may fall victim to extreme or malicious cruelty, as we saw with the Albatross case in Kaena Point. We fully support SB700 with your consideration of adding all/other animals. Thank you, Inga Gibson West Hawaii Humane Society 808.922.9910

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 1:16 PM
To: AEN Testimony
Cc: lindsay@pacificrimconservation.org
Subject: Submitted testimony for SB700 on Feb 1, 2017 13:15PM

SB700

Submitted on: 1/31/2017

Testimony for AEN on Feb 1, 2017 13:15PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Lindsay Young | Individual | Support | No |

Comments: Hawaii is home to less than 1% of the nation's land mass, and yet has the highest percentage of endemic species (species found nowhere else) of any state in the country, and one of the highest rates anywhere in the world. Despite our small size, more than a third of bird species listed as endangered under the federal endangered species act (ESA) nationwide are found in Hawaii and more than half of bird extinctions in the US have been in Hawaii. More than a quarter of Hawaii's bird species are listed under the ESA which provides them with federal protection. However, the remaining 75% of our indigenous bird species aren't listed under the ESA, but are no less important to the health of our ecosystems. These species are not afforded the same protections as those listed under the ESA, and our current state regulations do not take into account the importance of these endemic and indigenous species. This leaves them vulnerable as the penalties for harming non-listed native species that are not listed under the ESA are relatively minor. The penalties need to increase to reflect the ecological and cultural importance of all native wildlife. The horrific killing and mutilation of more than a dozen Laysan Albatrosses at Kaena Point Natural Area Reserve in 2015 highlights the precarious position our native, but non-listed birds face. While the defendant in that case has been charged with 15 counts animal cruelty, the current law means that these crimes are merely misdemeanors. As a wildlife biologist who has dedicated their career to conserving Hawaii's bird species, and the very albatross that were killed in that incident in particular, I strongly urge you to consider this bill and amend the Hawaii Revised Statutes to include indigenous birds in the offense of cruelty to animals in the first degree.

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It is important that we strengthen our role as stewards of the islands and ensure the wellbeing and thriving growth of all species on this Earth. Individuals who disregard the health and life of other species do not deserve to live in a free and welcoming society. Birds like any other native species on our island must be protected and those who commit atrocious acts towards wildlife must be punished. Humans cannot survive without nature, we have to live side by side with it and respect it.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 10:13 AM
To: AEN Testimony
Cc: edithdadkins@gmail.com
Subject: *Submitted testimony for SB700 on Feb 1, 2017 13:15PM*

SB700

Submitted on: 1/31/2017

Testimony for AEN on Feb 1, 2017 13:15PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Edith Adkins | Individual | Support | No |

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 9:48 AM
To: AEN Testimony
Cc: watumullj@gmail.com
Subject: Submitted testimony for SB700 on Feb 1, 2017 13:15PM

SB700

Submitted on: 1/31/2017

Testimony for AEN on Feb 1, 2017 13:15PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Jared Watumull | Individual | Support | No |

Comments: I support this bill as we need to properly punish those who choose to harm our indigenous wildlife.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 9:54 PM
To: AEN Testimony
Cc: plentovi@hawaii.edu
Subject: Submitted testimony for SB700 on Feb 1, 2017 13:15PM

SB700

Submitted on: 1/30/2017

Testimony for AEN on Feb 1, 2017 13:15PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Sheldon Plentovich | Individual | Support | No |

Comments: Given last year's incident at Kaena Point, it is clear this bill is necessary to protect our wildlife. Native birds should be covered under our laws against cruelty.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 5:57 PM
To: AEN Testimony
Cc: kirakrend@gmail.com
Subject: Submitted testimony for SB700 on Feb 1, 2017 13:15PM

SB700

Submitted on: 1/30/2017

Testimony for AEN on Feb 1, 2017 13:15PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kira Krend | Individual | Support | No |

Comments: I support this measure wholeheartedly. As a biologist trained in Hawaii, who stayed in Hawaii to teach our keiki to value Hawaii's native flora and fauna, there should be no hesitation in making horrific animal cruelty a significant crime.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 29, 2017 1:38 PM
To: AEN Testimony
Cc: ej@hawaiiantel.net
Subject: Submitted testimony for SB700 on Feb 1, 2017 13:15PM

SB700

Submitted on: 1/29/2017

Testimony for AEN on Feb 1, 2017 13:15PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| ellen jackson | Individual | Support | No |

Comments: Please support and change to include all birds.

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, January 28, 2017 2:39 PM
To: AEN Testimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for SB700 on Feb 1, 2017 13:15PM*

SB700

Submitted on: 1/28/2017

Testimony for AEN on Feb 1, 2017 13:15PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-----------------------|---------------------|---------------------------|---------------------------|
| Javier Mendez-Alvarez | Individual | Support | No |

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 4:49 PM
To: AEN Testimony
Cc: royerm@hawaii.edu
Subject: *Submitted testimony for SB700 on Feb 1, 2017 13:15PM*

SB700

Submitted on: 1/31/2017

Testimony for AEN on Feb 1, 2017 13:15PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Mark Royer | Individual | Support | No |

Comments:

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