

DAVID Y. IGE
GOVERNOR OF
HAWAII



**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
JUDICIARY AND LABOR**

**Thursday, March 2, 2017
9:30 AM
State Capitol, Conference Room 016**

**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 notes that the definition of indigenous bird as proposed under this bill removes endangered or threatened species from the definition which are provided protections under Chapter 195D, HRS, Hawaii's endangered species laws. However, the Department would like to note that penalties resulting from any person harming endangered or threatened species including birds under Section 195D-9, HRS, shall be guilty of a misdemeanor rather than a class C felony as provided for under Section 711-1108.5, HRS. The Department therefore recommends that the definition for indigenous bird under this proposed bill include endangered or threatened species.

The Department suggests that the proposed definition for indigenous bird under Section 711-1100, HRS, on page 2, lines 13-16, be amended (bracketed, stricken and highlighted) to read as follows:

""Indigenous bird" means any species of birds occurring or
living naturally in Hawaii without having been brought to Hawaii

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

by humans [~~and not determined to be an endangered or threatened species under chapter 195D~~]."

The Department recommends using this revised definition to afford protections under the animal cruelty laws for all indigenous birds in Hawaii including those that are endangered or threatened.

Thank you for the opportunity to comment on this measure.



**Conservation Council
for Hawai'i**

Hawai'i's voice for wildlife

Kō Hawai'i leo no nā holoholona lōhiu



Testimony Submitted to the Senate Committee on Judiciary and Labor
By the Conservation Council for Hawai'i
Hearing: Thursday, March 2, 2017 9:30 am
Room 016

Support for SB 700 Relating to Animal Cruelty

Chair Keith-Agaran, Vice Chair Rhoads, and Members of the Committee,

Aloha. The Conservation Council for Hawai'i supports SB 700, which amends the offense of cruelty to animals in the first degree to include indigenous birds.

We hope the proposed amendment will prevent future incidents such as the horrendous slaughter of moli (Laysan albatrosses) at the Ka'ena Point Natural Area Reserve in December 2015.

Please send a strong message that we will not tolerate animal cruelty directed at wildlife. Please pass SB 700. Mahalo nui loa for the opportunity to testify.

Marjorie Ziegler

Marjorie Ziegler



Telephone/Fax: 808.593.0255 | email: info@conservehi.org | web: www@conservehi.org
P.O. Box 2923 | Honolulu, HI 96802 | Office: 250 Ward Ave., Suite 215 | Honolulu, HI 96814
President: Wayne Tanaka | Vice President: Koalani Kaulukukui | Secretary: Rachel Sprague
Treasurer: Les Welsh | Director: Anne Walton
Executive Director: Marjorie Ziegler | Administrator: Jonnetta Peters





Hawaiian Humane Society

People for animals. Animals for people.

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

Date: Feb. 27, 2017

To: Chair Sen. Gilbert S.C. Keith-Agaran
Vice Chair Sen. Karl Rhoads
and Members of the Committee on Judiciary and Labor

Submitted By: Stephanie Kendrick, Public Policy Advocate
Hawaiian Humane Society, 808-356-2217

RE: Testimony in support of SB700: Relating to Animal Cruelty
Thursday, March 2, 2017, 2 p.m., Capitol conference room 016

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.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB700 on Mar 2, 2017 09:30AM
Date: Friday, February 24, 2017 12:06:33 AM

SB700

Submitted on: 2/24/2017

Testimony for JDL on Mar 2, 2017 09:30AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Andrea Jani | Individual | Support | No |

Comments: I am a resident of Hawaii and an active voter. I feel strongly that the offense of cruelty to animals should extend to our unique native birds. Please pass this important measure, and ensure that offenders can be held accountable for their inexcusable actions.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Cc:
Subject: *Submitted testimony for SB700 on Mar 2, 2017 09:30AM*
Date: Sunday, February 26, 2017 1:37:17 PM

SB700

Submitted on: 2/26/2017

Testimony for JDL on Mar 2, 2017 09:30AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Ann Crites | Individual | Support | No |

Comments:

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Cc:
Subject: Submitted testimony for SB700 on Mar 2, 2017 09:30AM
Date: Friday, February 24, 2017 8:13:18 AM

SB700

Submitted on: 2/24/2017

Testimony for JDL on Mar 2, 2017 09:30AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Brendt Chang | Individual | Support | No |

Comments: I am a resident of Hawaii and an active voter. I feel strongly that the offense of cruelty to animals should extend to our unique native birds. Please pass this important measure, and ensure that offenders can be held accountable for their inexcusable actions.

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Cc:
Subject: Submitted testimony for SB700 on Mar 2, 2017 09:30AM
Date: Saturday, February 25, 2017 5:11:45 PM

SB700

Submitted on: 2/25/2017

Testimony for JDL on Mar 2, 2017 09:30AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Charles Babbitt | Individual | Support | No |

Comments: Please pass this measure to protect the Laysan albatross in Hawaii.

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Subject: Submitted testimony for SB700 on Mar 2, 2017 09:30AM
Date: Monday, February 27, 2017 4:52:01 PM

SB700

Submitted on: 2/27/2017

Testimony for JDL on Mar 2, 2017 09:30AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Christina Leopold | Individual | Support | No |

Comments: I am a resident of Hawaii and an active voter. I feel strongly that the offense of cruelty to animals should extend to our unique native birds. Please pass this important measure, and ensure that offenders can be held accountable for their inexcusable actions.

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From: [Colleen Wallis](#)
To: [JDLTestimony](#)
Subject: SAve the fishes
Date: Monday, February 27, 2017 2:35:32 PM

I have been a Reef Teacher at Kahalu'u beach since 2010. Along with all of our dedicated volunteers, I would like to add my support to save our coral reef and fishes from the cruel and insensitive tropical fish trade the ony disrupts the peace and harmony of our fish life in Hawaii but also damages the coral reef on which all of the marine life depend.

At no time has these fish collectors put back anything to protect and increase the fish population but they have continued to just rape out ocean of these beautiful creatures.

It is simply wrong for anyone to just take and sell these fishes for their own profit and not give back to the environment in a positive way.

It's the same thing as robbing a bank.

Sincerely,

Colleen Miyose-Wallis

Resident and Reef Teacher

Kahalu'u beach

Kona Hawaii

From: mailinglist@capitol.hawaii.gov
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Cc:
Subject: Submitted testimony for SB700 on Mar 2, 2017 09:30AM
Date: Thursday, February 23, 2017 9:11:02 PM

SB700

Submitted on: 2/23/2017

Testimony for JDL on Mar 2, 2017 09:30AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Cynthia King | Individual | Comments Only | No |

Comments: I am a resident of Oahu and an active voter. I feel strongly that the offense of cruelty to animals should absolutely extend to our unique native birds. Please pass this important measure, and ensure that offenders can be held accountable for their inexcusable actions.

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Subject: *Submitted testimony for SB700 on Mar 2, 2017 09:30AM*
Date: Friday, February 24, 2017 5:33:43 PM

SB700

Submitted on: 2/24/2017

Testimony for JDL on Mar 2, 2017 09:30AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Douglas Perrine | Individual | Support | No |

Comments:

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Subject: *Submitted testimony for SB700 on Mar 2, 2017 09:30AM*
Date: Sunday, February 26, 2017 8:13:29 PM

SB700

Submitted on: 2/26/2017

Testimony for JDL on Mar 2, 2017 09:30AM in Conference Room 016

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

Comments:

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Date: Friday, February 24, 2017 4:06:08 PM

SB700

Submitted on: 2/24/2017

Testimony for JDL on Mar 2, 2017 09:30AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kelly Kozar | Individual | Support | No |

Comments: I am a resident of Hawaii and an active voter. I feel strongly that the offense of cruelty to animals should extend to our unique native birds. Please pass this important measure, and ensure that offenders can be held accountable for their inexcusable actions.

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Subject: Submitted testimony for SB700 on Mar 2, 2017 09:30AM
Date: Monday, February 27, 2017 11:01:49 AM

SB700

Submitted on: 2/27/2017

Testimony for JDL on Mar 2, 2017 09:30AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Krista Anderson | Individual | Support | No |

Comments: I am a resident of Hawaii and an active voter. I feel strongly that the offense of cruelty to animals should extend to our unique native birds. Please pass this important measure, and ensure that offenders can be held accountable for their inexcusable actions.

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Subject: Submitted testimony for SB700 on Mar 2, 2017 09:30AM
Date: Monday, February 27, 2017 8:46:20 AM

SB700

Submitted on: 2/27/2017

Testimony for JDL on Mar 2, 2017 09:30AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kristen Teranishi | Individual | Support | No |

Comments: I am a resident of Hawaii and an active voter. I feel strongly that the offense of cruelty to animals should extend to our unique native birds. Please pass this important measure, and ensure that offenders can be held accountable for their inexcusable actions.

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Subject: Submitted testimony for SB700 on Mar 2, 2017 09:30AM
Date: Friday, February 24, 2017 11:34:19 AM

SB700

Submitted on: 2/24/2017

Testimony for JDL on Mar 2, 2017 09:30AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Leah Laramee | Individual | Support | No |

Comments: I am a resident of Hawaii and an active voter. I feel strongly that the offense of cruelty to animals should extend to our unique native birds. Please pass this important measure, and ensure that offenders can be held accountable for their inexcusable actions.

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Date: Sunday, February 26, 2017 9:03:48 PM

SB700

Submitted on: 2/26/2017

Testimony for JDL on Mar 2, 2017 09:30AM in Conference Room 016

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

Comments:

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SB700

Submitted on: 2/25/2017

Testimony for JDL on Mar 2, 2017 09:30AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-----------------------|---------------------|---------------------------|---------------------------|
| Margaret J.S. Koehler | Individual | Support | No |

Comments: I am a resident of Kalaheo and an active voter. I feel strongly that the offense of cruelty to animals should extend to our unique native birds. Please pass this important measure, and ensure that offenders can be held accountable for their inexcusable actions.

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Cc:
Subject: Submitted testimony for SB700 on Mar 2, 2017 09:30AM
Date: Tuesday, February 28, 2017 5:51:13 PM

SB700

Submitted on: 2/28/2017

Testimony for JDL on Mar 2, 2017 09:30AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Michael Richardson | Individual | Support | No |

Comments: To: Hawaii State Senators From: Michael Richardson / 2241 Noah St. Honolulu Date: February 28, 2017 My name is Michael Richardson, a resident of Hawaii concerned about animal cruelty issues, and active voter. I am writing in strong support of Senate Bill 700, regarding the requirement that the offense of cruelty to animals should extend to our unique native birds. Please pass this important measure, and ensure that offenders can be held accountable for their inexcusable actions. Sincerely, Michael Richardson, Hawaii Resident and Active Voter

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Cc:
Subject: *Submitted testimony for SB700 on Mar 2, 2017 09:30AM*
Date: Thursday, February 23, 2017 10:10:04 PM

SB700

Submitted on: 2/23/2017

Testimony for JDL on Mar 2, 2017 09:30AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Nancy Davlantes | Individual | Support | No |

Comments:

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Cc:
Subject: Submitted testimony for SB700 on Mar 2, 2017 09:30AM
Date: Monday, February 27, 2017 9:16:29 AM

SB700

Submitted on: 2/27/2017

Testimony for JDL on Mar 2, 2017 09:30AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Paul Krushelnycky | Individual | Support | No |

Comments: I strongly support this bill, because penalties for cruel behavior towards animals should obviously include our native species, such as birds, that do not already have other legal protection.

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Date: Sunday, February 26, 2017 6:10:21 PM

SB700

Submitted on: 2/26/2017

Testimony for JDL on Mar 2, 2017 09:30AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Rachel Rounds | Individual | Support | No |

Comments:

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Support SB 700

I am an aquarium fisherman and all day long feed and care for pets. I have birds and a dog. I love them and all animals birds and fish. Any person who injures a wild animal or pet is not a caring or loving person and should be punished for their inconsiderate inexcusable actions.

Ron Tubbs