

Honolulu, Hawaii
March 2, 2018

RE: H.B. No. 2072
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2072, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SECTION 711-1109, HAWAII REVISED STATUTES,"

begs leave to report as follows:

The purpose of this measure is to amend the offense of cruelty to animals in the second degree by:

- (1) Prohibiting the use of a trolley, pulley, cable, or running line designed to attach a dog to two stationary objects, depending on the age of the dog and the restraint's configuration, length, size, weight, and nature; and
- (2) Making violation of dog tethering prohibitions a petty misdemeanor subject to varying sentencing requirements depending on whether the violation is a first or subsequent offense when:
 - (A) The conviction involves assisting another in the commission of an offense; or
 - (B) The offense involves nine or less pet animals in one instance.



Healthy Pets United, Windward Dog Park Hui, Animal Rights Hawai'i, and numerous individuals testified in support of this measure. The Humane Society of the United States, Hawaiian Humane Society, Hawaii Association of Animal Welfare Agencies, West Hawaii Humane Society, Care2, and several individuals provided comments.

Your Committee has amended this measure by:

- (1) Changing the allowable minimum length of a tether from five times the length of the dog's body to ten feet in length;
- (2) Amending the sentencing provisions for offenses involving nine or fewer pet animals in one instance to:
 - (A) Allow the court to impose other additional penalties; and
 - (B) Clarify the discretionary psychological treatment provision by authorizing the court to require submission to any available mental health assessment and recommended treatment for a first offense; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2072, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2072, H.D. 2.



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



SCOTT Y. NISHIMOTO, Chair



