

STAND. COM. REP. NO.

3166

Honolulu, Hawaii

MAR 23 2018

RE: H.B. No. 2072
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
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. 2, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit certain restraints and tethers that endanger, or deny sustenance to, a dog; and
- (2) Establish penalties for offenses relating to tethering or restraints and involving nine or fewer pet animals in any one instance as a petty misdemeanor.

Your Committee received testimony in support of this measure from the Humane Society of the United States, Hawaiian Humane Society, West Hawaii Humane Society, Hawaii Veterinary Medical Association, Animal Rights Hawai'i, Windward Dog Park Hui, and fourteen individuals.

Your Committee finds that the improper or inappropriate use of tethers and other restraints on dogs reduces the quality of life of those dogs and increases the risk to members of the public who encounter such dogs. This measure will reduce ambiguity in



the law and enable law enforcement officers to more effectively intervene in cases of animal abuse relating to tethers and other restraints. Your Committee further finds that, by the time intervention by law enforcement officers becomes necessary, persons alleged to be improperly using tether or other restraints will have received multiple warnings and other notice of alleged violation, and that a reduced penalty for offenses related to tethers and other restraints may not be appropriate.

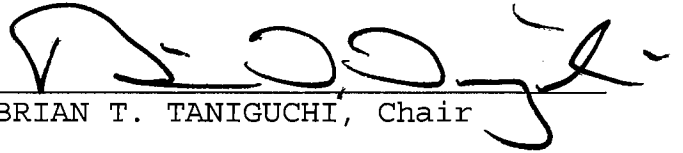
Accordingly, your Committee has amended this measure by:

- (1) Removing language establishing offenses involving nine or fewer pet animals in any one instance as a petty misdemeanor;
- (2) Inserting language explicitly giving the court wide discretion to assess fines, order performance of community service, require mental health counseling, or order attendance at educational classes concerning animal abuse prevention in addition to or in lieu of other penalties;
- (3) Removing redundant language relating to preventing a dog from obtaining necessary sustenance;
- (4) Inserting an effective date of July 1, 2035, to encourage further discussion; and
- (5) 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 that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2072, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2072, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.



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


BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* <i>HB 2072, HD2</i>	Committee Referral: <i>JDC, WAM</i>	Date: <i>3/20/18</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
TANIGUCHI, Brian T. (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**