

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 House Committee on  
AGRICULTURE**

**Friday, February 3, 2017  
8:30 AM  
State Capitol, Conference Room 312**

**In consideration of  
HOUSE BILL 390  
RELATING TO ANIMAL CRUELTY**

House Bill 390 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 the definition for indigenous bird under Section 711-1100, HRS, be amended to:

“Indigenous bird” means any species of birds occurring or living naturally in Hawaii without having been brought to Hawaii by humans.” The Department recommends using this 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 testify on this measure.

**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



## Hawaiian Humane Society

People for animals. Animals for people.

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

Rep. Richard P. Creagan, Chair  
Rep. Lynn DeCoite, Vice Chair  
and Members  
House Committee on Agriculture

Testimony in support of HB390 Relating to Animal Cruelty

Friday, Feb. 3, 2017  
8:30 a.m., Capitol conference room 312

The Hawaiian Humane Society would like to testify in support of HB390, 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, HB390 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 HB390.

Please let me know if I can be of assistance.

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



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 2, 2017 5:59 AM  
**To:** AGRtestimony  
**Cc:** rosemarykarlsson@gmail.com  
**Subject:** \*Submitted testimony for HB390 on Feb 3, 2017 08:30AM\*

**HB390**

Submitted on: 2/2/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rosemary Karlsson	Individual	Support	No

Comments:

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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AGRtestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, February 1, 2017 9:29 PM  
To: AGRtestimony  
Cc: soysprout@yahoo.com  
Subject: Submitted testimony for HB390 on Feb 3, 2017 08:30AM

Categories: Green Category

**HB390**

Submitted on: 2/1/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cynthia King	Individual	Support	No

Comments: I strongly support HB390. Indigenous birds should be afforded the same rights and protections as other protected wildlife and domesticated animals in the State. And individuals guilty of animal cruelty should absolutely be subject to felony charges.

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## AGRtestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Thursday, February 2, 2017 7:31 AM  
To: AGRtestimony  
Cc: westhawaiihumanesociety@gmail.com  
Subject: Submitted testimony for HB390 on Feb 3, 2017 08:30AM

Categories: Green Category

### **HB390**

Submitted on: 2/2/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Inga Gibson	West Hawaii Humane Society	Support	No

Comments: Dear Chair Creagan and Agriculture Committee Members, The West Hawaii Humane Society supports HB390 which would add indigenous birds to our first degree animal cruelty statute. Our current felony cruelty statute only applies to "pet" and "equine" animals however, any animal, as we saw with the egregious Kaena Point albratross killing, can fall victim to extreme animal cruelty. We support the addition of indigenous birds and any/all other animals as those animals (non-human animals)are protected under our second degree animal cruelty statute. Thank you, Inga Gibson West Hawaii Humane Society 808.922.9910

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AGRtestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Thursday, February 2, 2017 5:59 AM  
To: AGRtestimony  
Cc: octopus@maui.net  
Subject: \*Submitted testimony for HB390 on Feb 3, 2017 08:30AM\*

Categories: Green Category

**HB390**

Submitted on: 2/2/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Rene Umberger	Individual	Support	No

Comments:

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## AGRtestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, February 1, 2017 10:00 PM  
To: AGRtestimony  
Cc: sylviadolena@yahoo.com  
Subject: Submitted testimony for HB390 on Feb 3, 2017 08:30AM

Categories: Green Category

### **HB390**

Submitted on: 2/1/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sylvia Dolena	Pele Lani Farm LLc	Oppose	No

Comments: On the surface, this bill seems that it protects animals in limbo due to probably animal cruelty. However, to place the burden of financial repayment to the petitioner for care and feeding of the animals when no criminal act of cruelty exists, seems unconstitutional. I do not support this bill as it is written.

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## AGRtestimony

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From: Jennifer Chiwa <bjcmd808@gmail.com>  
Sent: Wednesday, February 1, 2017 4:53 PM  
To: AGRtestimony  
Subject: Support HB 390 - House Agriculture Committee - 2/3/17 - 8:30 am

Aloha, Members of the House Committee on Agriculture -

Please support HB 390 which, to my understanding, would amend the animal cruelty law to include indigenous birds. Mahalo.

Jennifer Chiwa

## AGRtestimony

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From: Victoria Anderson <vanderso@hawaii.edu>  
Sent: Wednesday, February 1, 2017 11:47 AM  
To: agrcommittee@capitol.hawaii.gov; AGRtestimony  
Subject: Fwd: Undeliverable: Please support 6 bills that relate to animal welfare in HI!

Dear Chair Creagan and House Agriculture Committee,

I write in strong support of the following bills that relate to animal welfare in our state:

HB 3, 55, 155, 185, 390, and 1516.

Please support these bills!

Mahalo,

--

Victoria B. Anderson  
Lai Road, Palolo Valley



**THE HUMANE SOCIETY  
OF THE UNITED STATES**

To: Chair Creagan  
House Agriculture Committee members

In Support Of: HB 390  
Date: February 3, 2017 8:30 a.m.  
Testimony By: Keith Dane, Hawaii Policy Advisor, The Humane Society of the United States

My name is Keith Dane. I am the Hawaii Policy Advisor for The Humane Society of the United States (HSUS), and I appreciate the opportunity to submit this written testimony on behalf of our Hawaii members and supporters on HB390.

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 HB390, we request that all animals, as defined by the cruelty statute (specifically, defined in § 711-1100 as "every living creature, except a human being"), 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.

**The Humane Society of the United States requests a favorable report on HB 390.**

Keith Dane  
301-312-1489

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 2, 2017 11:34 AM  
**To:** AGRtestimony  
**Cc:** alexismpeters@gmail.com  
**Subject:** Submitted testimony for HB390 on Feb 3, 2017 08:30AM

**HB390**

Submitted on: 2/2/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alexis Thomas	Individual	Support	No

Comments: I support this and would support an amendment to add all birds

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 1, 2017 10:08 PM  
**To:** AGRtestimony  
**Cc:** 333cory@gmail.com  
**Subject:** Submitted testimony for HB390 on Feb 3, 2017 08:30AM

**HB390**

Submitted on: 2/1/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cory Harden	Individual	Support	No

Comments: Aloha legislators, Please support this protection for Hawai'i's birds. mahalo, Cory Harden, Hilo

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