
A BILL FOR AN ACT

RELATING TO CRUELTY TO ANIMALS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 711-1109, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (1) to read:

4 "(1) A person commits the offense of cruelty to animals in
5 the second degree if the person intentionally, knowingly, or
6 recklessly:

7 (a) Overdrives, overloads, tortures, torments, beats,
8 causes substantial bodily injury to, or starves any
9 animal, or causes the overdriving, overloading,
10 torture, torment, beating, or starving of any animal;

11 (b) Deprives a pet animal of necessary sustenance or
12 causes [~~such~~] that deprivation;

13 (c) Mutilates, poisons, or kills without need any animal
14 other than insects, vermin, or other pests; provided
15 that the handling or extermination of any insect,
16 vermin, or other pest is conducted in accordance with



- 1 standard and acceptable pest control practices and all
2 applicable laws and regulations;
- 3 (d) Keeps, uses, or in any way is connected with or
4 interested in the management of, or receives money for
5 the admission of any person to, any place kept or used
6 for the purpose of fighting or baiting any bull, bear,
7 cock, or other animal, and includes every person who
8 encourages, aids, or assists therein, or who permits
9 or suffers any place to be so kept or used;
- 10 (e) Carries or causes to be carried, in or upon any
11 vehicle or other conveyance, any animal in a cruel or
12 inhumane manner;
- 13 (f) Confines or causes to be confined, in a kennel or
14 cage, any pet animal in a cruel or inhumane manner;
- 15 (g) Tethers, fastens, ties, or restrains a dog to a
16 doghouse, tree, fence, or any other stationary object
17 [by], or uses a trolley, pulley, cable, or running
18 line designed to attach a dog to two stationary
19 objects:
- 20 (i) If the dog is under the age of six months unless
21 the dog is engaged in a supervised activity;



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- 1 (ii) In a configuration that:
- 2 (A) Entangles or endangers the dog; or
- 3 (B) Prevents the dog from obtaining necessary
- 4 sustenance;
- 5 (iii) If the tether is shorter than ten feet in length,
- 6 unless the dog is engaged in a supervised
- 7 activity;
- 8 (iv) If the restraint is a tow or log chain or is
- 9 disproportionate to the size or weight of the dog
- 10 such that the restraint inhibits the free
- 11 movement of the dog within the area allowed by
- 12 the tether; or
- 13 (v) By means of a choke collar, pinch collar, or
- 14 prong collar; provided that a person is not
- 15 prohibited from using [~~such restraints~~] a choke
- 16 collar, pinch collar, or prong collar when
- 17 walking a dog with a hand-held leash or while a
- 18 dog is engaged in a supervised activity; or
- 19 (h) Assists another in the commission of any act specified
- 20 in subsections (1)(a) through (1)(g)[-]; provided that
- 21 a person who is convicted of assisting another in the



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1 commission of an act specified in subsection (1)(g)
2 shall be sentenced pursuant to subsection (4)(b). As
3 used in this subsection, "assist" means to instigate,
4 engage in, or further the commission of an act
5 prohibited under this section."

6 2. By amending subsection (4) to read:

7 "(4) Cruelty to animals in the second degree is a
8 misdemeanor, except ~~where~~ that if the offense [involves]:

9 (a) Involves ten or more pet animals in any one instance
10 [which], then cruelty to animals in the second degree
11 is a class C felony[-]; or

12 (b) Involves nine or fewer pet animals in any one instance
13 and involves an act prohibited under subsection
14 (1)(g), then the defendant shall be sentenced as
15 follows, in addition to any other penalties the court
16 may impose:

17 (i) For a first offense under subsection (1)(g), the
18 defendant shall be guilty of a violation and
19 sentenced to:

20 (A) Payment of a fine of not more than \$500 for
21 each abused animal;



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1 (B) If deemed appropriate by the court,
2 completion of educational classes in animal
3 abuse prevention; provided that the court
4 shall not order classes under this paragraph
5 if classes are not readily available from an
6 animal welfare organization or a similar
7 appropriate organization designated by the
8 county in which the underlying offense
9 occurred; and

10 (C) If deemed appropriate by the court,
11 submission to any available mental health
12 assessment and recommended treatment; or

13 (ii) For a second or subsequent offense under
14 subsection (1)(g), the defendant shall be guilty
15 of a petty misdemeanor and sentenced as follows:

16 (A) Payment of a fine of not more than \$500 for
17 each abused animal;

18 (B) Completion of sixteen hours of community
19 service; and

20 (C) Imprisonment of no less than two days.



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1 Notwithstanding section 706-643(2), all fines
 2 collected under this paragraph shall be paid to the
 3 director of finance of the county in which the
 4 underlying offense occurred, as a general fund
 5 realization of that county."

6 SECTION 2. This Act does not affect rights and duties that
 7 matured, penalties that were incurred, and proceedings that were
 8 begun before its effective date.

9 SECTION 3. Statutory material to be repealed is bracketed
 10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 2019.

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INTRODUCED BY: *Nicole E. Lovern*
[Signature]
[Signature]

JAN 17 2019



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Report Title:

Cruelty to Animals; Restraints; Penalties; Disposition of Fines;
County General Fund

Description:

Prohibits certain restraints and tethers that endanger, or deny sustenance, to a dog. Specifies penalties and provides that fines for these crimes be paid to the respective county where the crime occurred.

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