
A BILL FOR AN ACT

RELATING TO CRUELTY TO ANIMALS.

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

1 SECTION 1. The purpose of this Act is to prohibit
2 trolleys, pulleys, cables, or running lines designed to attach a
3 dog to two stationary objects that endanger, or deny sustenance
4 to, a dog. The legislature finds that this Act does not
5 prohibit tethering completely and that it is still legal for
6 individuals to humanely tether dogs.

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

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

10 "(1) A person commits the offense of cruelty to animals in
11 the second degree if the person intentionally, knowingly, or
12 recklessly:

13 (a) Overdrives, overloads, tortures, torments, beats,
14 causes substantial bodily injury to, or starves any
15 animal, or causes the overdriving, overloading,
16 torture, torment, beating, or starving of any animal;



- 1 (b) Deprives a pet animal of necessary sustenance or
2 causes [~~such~~] that deprivation;
- 3 (c) Mutilates, poisons, or kills without need any animal
4 other than insects, vermin, or other pests; provided
5 that the handling or extermination of any insect,
6 vermin, or other pest is conducted in accordance with
7 standard and acceptable pest control practices and all
8 applicable laws and regulations;
- 9 (d) Keeps, uses, or in any way is connected with or
10 interested in the management of, or receives money for
11 the admission of any person to, any place kept or used
12 for the purpose of fighting or baiting any bull, bear,
13 cock, or other animal, and includes every person who
14 encourages, aids, or assists therein, or who permits
15 or suffers any place to be so kept or used;
- 16 (e) Carries or causes to be carried, in or upon any
17 vehicle or other conveyance, any animal in a cruel or
18 inhumane manner;
- 19 (f) Confines or causes to be confined, in a kennel or
20 cage, any pet animal in a cruel or inhumane manner;



1 (g) Tethers, fastens, ties, or restrains a dog to a
2 doghouse, tree, fence, or any other stationary object
3 ~~by~~, or uses a trolley, pulley, cable, or running
4 line designed to attach a dog to two stationary
5 objects:

6 (i) If the dog is under the age of six months unless
7 the dog is engaged in a supervised activity;
8 provided that it is an affirmative defense under
9 this paragraph if the use of a trolley or tether
10 is shown to be for a limited time, not to exceed
11 twelve hours in duration, and the dog:

12 (A) Is protected from the elements of weather by
13 means of shade and has necessary sustenance;
14 or

15 (B) Is not otherwise in distress;

16 (ii) In a configuration that:

17 (A) Entangles or endangers the dog; or

18 (B) Prevents the dog from obtaining necessary
19 sustenance;

20 (iii) If the restraint is a tow or log chain;



1 (iv) If the restraint is disproportionate to the size
2 or weight of the dog such that the restraint
3 inhibits the free movement of the dog within the
4 area allowed by the tether; or

5 (v) By means of a choke collar, pinch collar, or
6 prong collar; provided that a person is not
7 prohibited from using [~~such restraints~~] a choke
8 collar, pinch collar, or prong collar when
9 walking a dog with a hand-held leash or while a
10 dog is engaged in a supervised activity; or

11 (h) Assists another in the commission of any act specified
12 in subsections (1)(a) through (1)(g)."

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

14 "(4) Cruelty to animals in the second degree is a
15 misdemeanor, except [~~where~~] that if the offense involves
16 ten or more pet animals in any one instance [~~which~~], then
17 cruelty to animals in the second degree is a class C felony."

18 SECTION 3. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 2150.



Report Title:

Cruelty to Animals; Restraints; Penalties; Affirmative Defense

Description:

Prohibits specified trolleys, pulleys, cables, or running lines designed to attach a dog to two stationary objects that endanger, or deny sustenance to, a dog. Provides an affirmative defense for tethering a dog under the age of six months under certain circumstances. (HB200 HD2)

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