

JAN 18 2019

A BILL FOR AN ACT

RELATING TO ANIMAL CRUELTY.

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

1 SECTION 1. The legislature finds that the continual
2 tethering or chaining of dogs is a cruel and inhumane practice
3 that endangers dogs as well as people. Tethering or chaining
4 refers to the practice of keeping a dog continually tied to a
5 stationary object. A tether, chain, or other similar restraint
6 significantly restricts a dog's movement and can become tangled
7 or hooked on the dog's shelter structure or other objects, thus
8 restricting the dog's movement even further and causing injury.

9 While restraining a dog in this manner for short periods of
10 time may be acceptable for purposes such as exercising,
11 training, or taking the dog outdoors, continual restraint over a
12 long period of time often results in the dog becoming neurotic,
13 anxious, and aggressive. For this reason alone, allowing dogs
14 to be continually tethered or chained poses a greater danger to
15 people, whereas restricting this practice makes communities
16 safer by reducing the number of dog attacks and dog bites.



1 The legislature further finds that the cruelty to animals
2 offenses under section 711-1109(f) and (g), Hawaii Revised
3 Statutes, respectively, make it a misdemeanor to confine a pet
4 animal in a kennel or cage in a cruel or inhumane manner, or
5 leave a dog unsupervised while tethered to a stationary object
6 by means of a choke collar, pinch collar, or prong collar. The
7 legislature believes, however, that additional and enhanced
8 protections are needed to effectively prevent dog injuries and
9 deaths caused by the improper use of tethers and other methods
10 of restraint.

11 The legislature further finds that a total of twenty-two
12 states, including Hawaii, and the District of Columbia have laws
13 that address tethering or chaining of dogs. For example,
14 California and Connecticut prohibit tethering of dogs to a
15 stationary object except under specific conditions. Texas
16 prohibits owners from leaving a dog outside and unattended by
17 use of a restraint that unreasonably limits the dog's movement
18 during certain times of the day or during extreme weather.
19 Other states include tethering as part of their anti-cruelty
20 laws. West Virginia and the District of Columbia include



1 "cruelty chains" in their list of prohibited activities that
2 constitute misdemeanor animal cruelty.

3 The legislature further finds that electric shock dog
4 collars deliver an aversive stimulus to dogs, have a negative
5 impact on dog welfare, and are banned in Austria, Denmark,
6 Finland, Germany, Norway, Slovenia, Scotland, Sweden, Wales, and
7 some parts of Australia.

8 The purpose of this Act is to improve the health, safety,
9 and welfare of dogs and protect the public, as well, by:

- 10 (1) Beginning January 1, 2020, prohibiting the sale,
11 distribution, or use of electric shock dog collars in
12 Hawaii;
- 13 (2) Limiting tethers and certain other types of restraints
14 that are known to endanger dogs or prevent dogs from
15 receiving necessary sustenance as defined in section
16 711-1100, Hawaii Revised Statutes; and
- 17 (3) Allowing limited tethering for not more than twenty-
18 four consecutive hours if the tether is attached to a
19 properly fitting chest harness on the dog and the dog
20 is attended to at least once every twenty-four hours.



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1 It is the intent of the legislature that this Act shall not
2 apply to situations where a dog is temporarily restrained on
3 public property, such as outside a store or restaurant, nor to
4 situations where dogs are temporarily restrained in order to
5 comply with any state or county requirement.

6 SECTION 2. Chapter 711, Hawaii Revised Statutes, is
7 amended by adding a new section to be appropriately designated
8 and to read as follows:

9 "§711- Sale, distribution, and use of electric shock dog
10 collars; prohibition. (a) Beginning January 1, 2020, it shall
11 be unlawful for any person to sell, offer for sale, distribute
12 for sale, or use in the State any electric shock dog collar.

13 (b) A violation of this section is a misdemeanor.

14 (c) For the purpose of this section:

15 "Electric shock dog collar" means any e-collar or electric
16 collar meant to be used around a dog's neck to deliver an
17 electric shock to the dog."

18 SECTION 3. Section 711-1109, Hawaii Revised Statutes, is
19 amended as follows:

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



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

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

8 (b) Deprives a pet animal of necessary sustenance or
9 causes ~~such~~ that deprivation;

10 (c) Mutilates, poisons, or kills without need any animal
11 other than insects, vermin, or other pests; provided
12 that the handling or extermination of any insect,
13 vermin, or other pest is conducted in accordance with
14 standard and acceptable pest control practices and all
15 applicable laws and regulations;

16 (d) Keeps, uses, or in any way is connected with or
17 interested in the management of, or receives money for
18 the admission of any person to, any place kept or used
19 for the purpose of fighting or baiting any bull, bear,
20 cock, or other animal, and includes every person who



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- 1 encourages, aids, or assists therein, or who permits
2 or suffers any place to be so kept or used;
- 3 (e) Carries or causes to be carried, in or upon any
4 vehicle or other conveyance, any animal in a cruel or
5 inhumane manner;
- 6 (f) Confines or causes to be confined, in a kennel or
7 cage, any pet animal in a cruel or inhumane manner;
- 8 (g) Tethers, fastens, ties, or otherwise restrains a dog
9 to a doghouse, tree, fence, or any other stationary
10 object [~~by~~], or uses a trolley, pulley, cable, or
11 running line designed to attach a dog to two
12 stationary objects:
- 13 (i) By means of a choke collar, pinch collar, or
14 prong collar;
- 15 (ii) In a manner that:
- 16 (A) Entangles or endangers a dog;
- 17 (B) Prevents a dog from receiving necessary
18 sustenance;
- 19 (C) Restrains more than one dog to each cable
20 run; or



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- 1 (D) Leaves a dog restrained outdoors for more
- 2 than twenty-four consecutive hours; provided
- 3 that the restraint shall be attached to a
- 4 properly fitting chest harness on the dog
- 5 and the dog shall be attended to at least
- 6 once every twenty-four hours;

- 7 (iii) If the dog is under the age of six months, unless
- 8 the dog is engaged in a supervised activity;

- 9 (iv) If the dog is sick, injured, or in need of
- 10 veterinary care;

- 11 (v) If the restraint:
- 12 (A) Is shorter than ten feet in length, unless
- 13 the dog is engaged in a supervised activity;
- 14 (B) Is a tow or log chain or other device not
- 15 designed for restraining a dog;
- 16 (C) Weighs more than one-eighth of the dog's
- 17 body weight;
- 18 (D) Prevents access to clean water, shelter,
- 19 shade, or dry ground free of unsanitary
- 20 conditions;



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- 1 (E) Is not of sufficient length to allow the dog
- 2 to defecate away from itself;
- 3 (F) Is inappropriately configured to confine the
- 4 dog on the appropriate property; or
- 5 (G) Prevents the restraint from extending over
- 6 an object to an edge that could result in
- 7 injury to or strangulation of the dog;

8 provided that a person is not prohibited from using
 9 ~~[such restraints]~~ a choke collar, pinch collar, or
 10 prong collar when walking a dog with a hand-held leash
 11 or while a dog is engaged in a supervised activity; or

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

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

15 "(4) Cruelty to animals in the second degree is a
 16 misdemeanor~~[7]~~; provided that violations of paragraph (1)(g)
 17 shall be punishable in the following manner:

- 18 (a) For the first offense, a fine of not less than \$100;
- 19 and
- 20 (b) For any subsequent offense, a fine of not less than
- 21 \$200, imprisonment not exceeding six months,



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1 impoundment of the dog at the expense of the owner or
 2 person having custody of the dog pending compliance
 3 with this section, forfeiture of the dog, or any
 4 combination thereof;

5 except where the offense involves ten or more pet animals in any
 6 one instance, which is a class C felony."

7 SECTION 4. This Act does not affect rights and duties that
 8 matured, penalties that were incurred, and proceedings that were
 9 begun before its effective date.

10 SECTION 5. Statutory material to be repealed is bracketed
 11 and stricken. New statutory material is underscored.

12 SECTION 6. This Act shall take effect on July 1, 2019;
 13 provided that section 2 shall take effect on January 1, 2020.

14

INTRODUCED BY: *Yu Chen*
Ernie L. Brown



S.B. NO. 677

Report Title:

Cruelty to Animals; Dogs; Tethers and Other Restraints; Electric Shock Dog Collars

Description:

Limits the use of tethers and certain other types of restraints that are known to endanger dogs or prevent dogs from receiving necessary sustenance. Allows tethering for not more than twenty-four consecutive hours but only by means of a chest harness around a dog. Prohibits the sale, distribution, or use of electric shock dog collars. Specifies penalties.

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