

STAND. COM. REP. NO.

3022

Honolulu, Hawaii

FEB 28 2020

RE: S.B. No. 2718

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2718 entitled:

"A BILL FOR AN ACT RELATING TO THE SEXUAL ASSAULT OF AN ANIMAL,"

begs leave to report as follows:

The purpose and intent of this measure is to establish the crime of sexual assault of an animal, and provide that the sexual assault of an animal is a class C felony or a class B felony if the offense subjects a minor to sexual contact with an animal or is committed in the presence of a minor.

Your Committee received testimony in support of this measure from The Humane Society of the United States, Hawaiian Humane Society, Animal Welfare Institute, Pono Advocacy, Animal Interfaith Alliance, Animal Rights Hawai'i, and twenty-six individuals. Your Committee received comments on this measure from the Office of the Public Defender.

Your Committee finds that the sexual assault of an animal is prohibited in forty-six states. In Hawaii, the sexual molestation of animals by humans is not adequately addressed by existing laws. Animal cruelty laws require proof of specific actions that inflict bodily injury to the animal and some sexual assaults of animals do not cause bodily injury and therefore cannot be prosecuted under animal cruelty laws. Your Committee further finds that the sexual



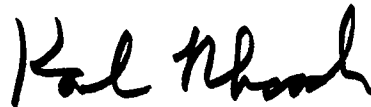
assault of an animal can be a strong predictor of a tendency to commit other violent and sexual crimes, which has led the Federal Bureau of Investigation to track bestiality and other forms of animal cruelty as group A offenses in the national incident-based reporting system--the same category used to track rape and murder. This measure establishes the sexual assault of an animal as a separate crime from animal cruelty to allow state law enforcement officers to better identify potentially dangerous and violent sexual predators in their communities.

Your Committee has amended this measure by:

- (1) Excluding customary care of an animal by an owner from the offense; and
- (2) 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 S.B. No. 2718, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2718, S.D. 1, and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



