Honolulu, Hawaii FEB 0 8 2021

RE: S.B. No. 343 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 343 entitled:

"A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT OF AN ANIMAL," begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish the offense of bestiality as a class C felony; and
- (2) Provide that bestiality is 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 Prosecuting Attorney of the City and County of Honolulu, Humane Society of the United States, Hawaiian Humane Society, Hawaii Association of Animal Welfare Agencies, Pono Advocacy, Animal Rights Hawaii, Animal Interfaith Alliance, and sixty-three individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that sexual assault on an animal has been significantly linked to the sexual abuse of children, as well as interpersonal violence and other forms of animal cruelty. Your Committee further finds that, although Hawai'i has strong animal

cruelty laws, some acts of sexual assault on animals cannot be prosecuted under animal cruelty laws because they do not cause bodily injury. This measure will allow law enforcement officers to better identify potentially dangerous and violent sexual predators in their communities.

Your Committee has amended this measure by:

- (1) Removing redundant language regarding subjecting an animal to sexual contact in the presence of a minor;
- (2) Replacing the term "bestiality" with "sexual assault on an animal" throughout the measure; and
- (3) 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. 343, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 343, 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

The Senate Thirty-First Legislature State of Hawai'i

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee Referral:		Da	Date:	
5B 343	JDC			2/2/2021	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)		/			
KEOHOKALOLE, Jarrett (VC)		/			
ACASIO, Laura	/		-		
GABBARD, Mike		/			
KIM, Donna Mercado		/			
LEE, Chris					
FEVELLA, Kurt		>			
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TOTAL		7	0	0	\mathcal{O}
Recommendation: Adopted Not Adopted					
[Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

^{*}Only one measure per Record of Votes