

---

---

# A BILL FOR AN ACT

RELATING TO DANGEROUS DOGS.

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

1           SECTION 1. The legislature finds that Hawaii struggles  
2 with the problem of loose dogs that behave aggressively. Some  
3 of these dogs are feral; other dogs have owners who have failed  
4 to control or train their dogs; and yet other dogs have been  
5 abandoned. The legislature further finds that for dogs with  
6 owners, these owners should clearly be held responsible for the  
7 aggressive actions of their dogs that harm persons or other  
8 animals.

9           Therefore, the purpose of this Act is to:

- 10           (1) Define what constitutes a dangerous dog; and  
11           (2) Establish requirements and penalties for owners of  
12           dangerous dogs.

13           SECTION 2. Chapter 711, Hawaii Revised Statutes, is  
14 amended by adding a new part to be appropriately designated and  
15 to read as follows:

16                                   **"PART           .   DANGEROUS DOGS**



1           **§711-A Definitions.** As used in this part, unless the  
2 context clearly indicates or requires a different meaning:

3           "Animal control authority" means a county agency that  
4 enforces animal control laws.

5           "Bite injury" means any contact between an animal's mouth  
6 and teeth and the skin of a bite victim that causes visible  
7 trauma, such as a puncture wound, laceration, or other piercing  
8 of the skin.

9           "Bodily injury" has the same meaning as defined in section  
10 707-700.

11           "Dangerous dog" means any dog that, without provocation,  
12 causes a bite injury to a person or another animal. A dog's  
13 breed shall not be considered in determining whether it is  
14 dangerous.

15           "Escape-proof kennel" means a kennel:

16           (1) That allows a dog to stand normally and without  
17 restriction, is at least two and one-half times the  
18 length of the dog, and protects the dog from the  
19 elements;

20           (2) Having fencing or wall materials that have no openings  
21 or gaps that exceed two inches; and



1 (3) Having no gates, or gates that are lockable and  
2 designed to prevent the entry of children or the  
3 escape of the dog.

4 "Microchip" has the same meaning as defined in section  
5 143-1.

6 "Negligently" has the same meaning as set forth in section  
7 702-206(4).

8 "Officer" means any sheriff, deputy, and any member of a  
9 police force and animal control officers of the several counties  
10 of the State.

11 "Owner" means any person owning, harboring, or keeping a  
12 dog; provided that, if the owner is a minor under the age of  
13 eighteen years, the parents, guardian, or another person having  
14 the care, custody, or control of the minor shall be presumed to  
15 be the owner; provided further that the person whose current  
16 contact information is registered with a microchip registration  
17 company shall be presumed to be the owner of the dog.

18 "Provocation" means behavior that precipitates a bite  
19 injury caused by a dog under the following circumstances:



- 1 (1) The dog was protecting or defending its owner or a  
2 member of its owner's household from an attack or  
3 assault;
- 4 (2) The person bitten was committing a crime or offense  
5 while on the property of the owner of the dog;
- 6 (3) The person bitten was teasing, tormenting, abusing, or  
7 assaulting the dog or at any time in the past had  
8 teased, tormented, abused, or assaulted the dog;
- 9 (4) The dog was attacked or menaced by another animal, or  
10 the animal was on the property of the owner of the  
11 dog;
- 12 (5) The dog was responding to pain or injury inflicted by  
13 the person bitten or another animal;
- 14 (6) The dog was protecting itself, its kennel, or its  
15 offspring from the person bitten or an animal; or
- 16 (7) The person bitten or an animal was disturbing the  
17 dog's natural functions, such as sleeping or eating,  
18 while the dog was on its owner's property.

19 "Serious bodily injury" has the same meaning as defined in  
20 section 707-700.



1 "Serious injury to any animal" means physical injury to an  
2 animal involving a broken bone, concussion, laceration requiring  
3 multiple stitches, or tearing or rupture of an organ.

4 "Substantial bodily injury" has the same meaning as defined  
5 in section 707-700.

6 **§711-B Designation as dangerous dog; basis.** (a) An  
7 officer may find and declare a dog to be a dangerous dog if the  
8 officer has probable cause to believe that the dog falls within  
9 the definition of "dangerous dog". The declaration shall be  
10 based upon:

- 11 (1) The written complaint of a person who is willing to  
12 testify that the dog has acted in a manner that causes  
13 it to fall within the definition of "dangerous dog";
- 14 (2) Actions of the dog witnessed by an officer; or
- 15 (3) Other substantial evidence admissible in court.

16 (b) The declaration in subsection (a) shall be in writing  
17 and shall be served by the officer upon the owner of the  
18 dangerous dog, if known, using one of the following methods:

- 19 (1) Certified mail to the owner's last known address; or
- 20 (2) Personally.



1 (c) The owner of a dog declared to be a dangerous dog may  
2 initiate a contested case with the declarant officer's  
3 department or agency within thirty days following the service  
4 date of the declaration.

5 **§711-C Legal requirements of owner.** (a) The owner of a  
6 dog declared to be a dangerous dog shall:

7 (1) Provide the owner's name, address, and telephone  
8 number to the animal control authority;

9 (2) Provide the location at which the dangerous dog is  
10 currently kept, if the location is not the owner's  
11 address, to the animal control authority;

12 (3) Promptly notify the animal control authority of:

13 (A) Any changes in the ownership of the dangerous dog  
14 or the location of the dangerous dog, along with  
15 the names, addresses, and telephone numbers of  
16 the new owners or the new address at which the  
17 dangerous dog is located;

18 (B) Any further instances of an attack by the  
19 dangerous dog upon a person or an animal;



- 1 (C) Any current or future claims made or legal
- 2 actions brought as a result of an attack by the
- 3 dangerous dog upon a person or an animal; or
- 4 (D) The death of the dangerous dog;
- 5 (4) Have a microchip implanted in the dangerous dog,
- 6 register the owner's microchip information pursuant to
- 7 section 143-2.2, and provide the microchip
- 8 identification number of the dangerous dog to the
- 9 animal control authority;
- 10 (5) Ensure that the dangerous dog is under the control of
- 11 a person who is at least eighteen years of age, when
- 12 the dangerous dog is indoors at the owner's premises;
- 13 (6) Ensure that when the dangerous dog is outdoors on the
- 14 owner's premises and unattended, the dangerous dog is
- 15 confined to an escape-proof kennel that remains
- 16 locked;
- 17 (7) Ensure that when the dangerous dog is outdoors on the
- 18 owner's premises and attended, the dangerous dog is:
- 19 (A) Kept on a fixed and secure leash no longer than
- 20 four feet in length;



- 1 (B) Under the control of a person at least eighteen
- 2 years of age; and
- 3 (C) Kept within a fenced or walled area from which it
- 4 cannot escape;
- 5 (8) Ensure that when the dangerous dog is outdoors outside
- 6 the owner's premises, the dangerous dog is:
- 7 (A) Kept on a fixed and secure leash no longer than
- 8 four feet in length;
- 9 (B) Under the control of a person who is at least
- 10 eighteen years of age; and
- 11 (C) Muzzled with a properly fitted, basket muzzle
- 12 that prevents the dangerous dog from biting any
- 13 person or animal but does not cause injury to the
- 14 dangerous dog or interfere with its vision or
- 15 respiration;
- 16 (9) Place on the owner's premises a sign or signs provided
- 17 by the animal control authority informing the public
- 18 of the presence and dangerousness of the dangerous
- 19 dog; and





1 (10) Neuter or spay the dangerous dog at the owner's  
2 expense, unless neutering or spaying the dangerous dog  
3 is medically contraindicated.

4 (b) The owner of a dangerous dog who keeps the dangerous  
5 dog in a manner found to be in violation of this section commits  
6 the offense of negligent failure to control a dangerous dog and  
7 the dangerous dog shall be subject to seizure and impoundment  
8 pursuant to this part if the owner is unable to immediately  
9 secure the dangerous dog.

10 **§711-D Rescission of declaration.** (a) The owner of a  
11 dangerous dog may apply to the animal control authority to have  
12 the declaration rescinded after three years if all of the  
13 following requirements have been met:

14 (1) The owner and dangerous dog have had no subsequent  
15 violations of this part;

16 (2) The owner has complied with all provisions of this  
17 part for a period of three years; and

18 (3) The owner provides proof to the animal control  
19 authority of the dangerous dog's successful completion  
20 of a behavior modification or management program



1           administered by an animal trainer or behaviorist who  
2           is certified by a nationally recognized organization.

3           (b) If the animal control authority finds that the owner  
4 and dangerous dog have complied with all of the requirements of  
5 this section and the owner has provided sufficient evidence that  
6 the dog is no longer dangerous, the animal control authority  
7 shall rescind the declaration.

8           **§711-E Negligent failure to control a dangerous dog;**

9 **penalties.** (a) The owner of a dangerous dog commits the  
10 offense of negligent failure to control a dangerous dog if:

11           (1) A bite injury occurs due to the failure of the owner  
12           of a dangerous dog to comply with the requirements of  
13           this part; or

14           (2) The owner of a dangerous dog negligently fails to take  
15           reasonable measures to prevent the dangerous dog from  
16           causing a bite injury, without provocation, to a  
17           person or another animal and the attack results in:

18           (A) The serious injury to any animal or maiming or  
19           death of another animal;

20           (B) Bodily injury to a person other than the owner;

21           or



1 (C) Substantial bodily injury to, serious bodily  
2 injury to, or the death of, a person other than  
3 the owner.

4 (b) An offense under subsection (a) (1), (a) (2) (A), or  
5 (a) (2) (B) shall be a misdemeanor for which the owner of the  
6 dangerous dog shall be sentenced to:

7 (1) A fine of no less than \$1,000 but no more than \$2,000;

8 (2) A term of imprisonment of up to six months or a period  
9 of probation of no more than one year;

10 (3) The payment of restitution to any person who has  
11 suffered bodily injury or property damage as a result  
12 of an attack by the dangerous dog if the person  
13 suffers financial losses or medical expenses due to  
14 the attack. As used in this paragraph, "medical  
15 expenses" may include the costs of necessary  
16 counseling or rehabilitative services; and

17 (4) The payment of all expenses for the boarding and  
18 retention of the dangerous dog if the dog is seized  
19 and impounded pursuant to this part;

20 provided that no sentence under this subsection shall be  
21 suspended.



1 (c) Unless the dangerous dog has been or is ordered to be  
2 euthanized, an owner who has negligently failed to control a  
3 dangerous dog shall also be required to:

4 (1) Meet all conditions imposed on the owner of a  
5 dangerous dog pursuant to this part;

6 (2) Obtain liability insurance or post bond of no less  
7 than \$50,000, or in a higher amount, if the court  
8 finds that a higher amount is appropriate to cover  
9 medical or veterinary costs, or both, resulting from  
10 potential future actions of the dangerous dog; and

11 (3) Follow any other condition that the court deems  
12 necessary to restrain or control the dangerous dog.

13 (d) An offense under subsection (a) (2) (C) shall be a class  
14 C felony for which the owner of a dangerous dog shall be  
15 sentenced to:

16 (1) A fine of no less than \$1,000 but no more than  
17 \$10,000;

18 (2) A term of imprisonment of no less than one year but no  
19 more than five years, pursuant to chapter 706; and

20 (3) The euthanasia of the dangerous dog;



1 provided that no sentence under this subsection shall be  
2 suspended.

3       **§711-F Impoundment of a dangerous dog.** (a) If there is  
4 probable cause to believe that the dangerous dog poses an  
5 imminent threat to a person or another animal, or if there is  
6 probable cause to believe that there is a violation of section  
7 711-C or 711-E, a law enforcement officer, after obtaining a  
8 search warrant, or in any other manner authorized by law, may  
9 enter the premises where the dangerous dog is located to seize  
10 and impound the dog. If, after reasonable effort, the owner or  
11 person having custody of the dangerous dog cannot be found and  
12 notified of the impoundment, an impoundment notice shall be  
13 conspicuously posted on the premises and, within seventy-two  
14 hours after posting, the notice shall be sent by certified mail  
15 to the address, if any, from which the dangerous dog was  
16 removed.

17       A law enforcement officer shall not be liable for any  
18 damage resulting from an entry under this subsection, unless the  
19 damage was caused by acts beyond the scope of the officer's  
20 authority or the officer's negligence, gross negligence, or  
21 intentional misconduct.



1 (b) The owner of a dangerous dog that has been impounded  
2 under this section may decline to surrender ownership of the  
3 dangerous dog to the animal control authority by paying to the  
4 animal control authority impoundment, care, and provision costs  
5 in an amount determined by the animal control authority to be  
6 sufficient to provide for the dangerous dog's care by the animal  
7 control authority for at least thirty days, including the day on  
8 which the animal was taken into custody.

9 (c) If the owner of a dangerous dog that has been  
10 impounded under this section cannot be located within five days  
11 after the dangerous dog is impounded, ownership of the dangerous  
12 dog shall be deemed relinquished.

13 (d) At the request of the dangerous dog's owner,  
14 impoundment under this section may occur at the premises of a  
15 licensed veterinarian or a commercial kennel of the dangerous  
16 dog owner's choosing; provided that:

17 (1) The owner shall secure the private boarding placement  
18 for the dangerous dog within five days after the  
19 dangerous dog has been impounded by the animal control  
20 authority; and



1 (2) All expenses for the dangerous dog's boarding and care  
2 shall be borne by the dangerous dog's owner.

3 (e) If the owner of the dangerous dog does not arrange for  
4 private boarding placement, the following requirements shall  
5 apply:

6 (1) The owner of the dangerous dog shall pay the animal  
7 control authority within five days after the dangerous  
8 dog is impounded; and

9 (2) At the end of the time for which expenses are covered  
10 by an initial or any subsequent impoundment, care, and  
11 provision payment:

12 (A) If the owner of the dangerous dog declines to  
13 surrender ownership of the dangerous dog to the  
14 animal control authority, the owner shall make an  
15 additional payment to the animal control  
16 authority at least five days before the  
17 expiration of the previous payment; or

18 (B) If the owner of the dangerous dog has not made an  
19 additional payment in a timely manner to the  
20 animal control authority for impoundment, care,  
21 and provision costs for the dangerous dog,



1 ownership of the dangerous dog shall be deemed  
2 relinquished.

3 (f) If the owner of a dangerous dog fails to pay  
4 impoundment, care, and provision costs for the dangerous dog  
5 pursuant to this section, the owner may forfeit the owner's  
6 right to contest those costs and any ownership rights to the  
7 dangerous dog.

8 (g) Any dangerous dog that is unclaimed by its owner,  
9 within five days after the owner has been notified that the  
10 dangerous dog is eligible for release from impoundment, shall be  
11 deemed abandoned, and ownership of the dangerous dog shall be  
12 deemed relinquished.

13 (h) If an animal control authority that is impounding a  
14 dangerous dog pursuant to this section determines that the  
15 dangerous dog is too dangerous for its staff to safely provide  
16 basic care, the dangerous dog may be euthanized by the animal  
17 control authority.

18 (i) If a licensed veterinarian determines that an  
19 impounded dangerous dog is:

- 20 (1) Experiencing extreme pain or suffering;  
21 (2) Severely injured past recovery;





1 (3) Severely disabled past recovery; or

2 (4) Severely diseased past recovery,

3 the dangerous dog may be euthanized by the animal control  
4 authority.

5 (j) The owner of a dangerous dog shall not sell or  
6 transfer the ownership or physical custody of the dangerous dog  
7 before the time period stated in the court summons, and the  
8 citation shall notify the owner of this prohibition; provided  
9 that this prohibition shall not apply when the owner transfers  
10 ownership of the dangerous dog to an animal control authority.

11 (k) Any person who refuses to surrender a dangerous dog  
12 that is subject to relinquishment pursuant to this section shall  
13 be guilty of a petty misdemeanor.

14 If the owner of a dangerous dog that is seized and  
15 impounded pursuant to this section fails to appear in court as  
16 required, ownership of the dangerous dog shall be deemed  
17 relinquished, and the court may order disposition of the  
18 dangerous dog as it deems appropriate.

19 (l) Notwithstanding any relinquishment of ownership of the  
20 dangerous dog, the owner shall remain responsible for all  
21 expenses incurred in boarding, caring for, and providing for the



1 dangerous dog and any fees and penalties that may be imposed by  
2 the court.

3       **§711-G Inspection.** Upon the presentation of proper  
4 credentials, any officer may enter at reasonable times any  
5 building, structure, or premises in the State for the purpose of  
6 determining and enforcing compliance with this part or of any  
7 court order issued under this part; provided that the entry  
8 shall be made in a manner that causes the least possible  
9 inconvenience to the person in possession or occupying the  
10 building, structure, or premises; provided further that a court  
11 order authorizing the entry shall be obtained if entry is denied  
12 or resisted.

13       **§711-H Exemption.** This part shall not apply to dogs owned  
14 by any law enforcement agency and used in the performance of law  
15 enforcement work.

16       **§711-I Civil action not precluded.** Nothing in this part  
17 shall preclude any person injured by a dangerous dog from  
18 bringing a civil action against the owner of the dangerous dog  
19 pursuant to law."

20       SECTION 3. Chapter 711, Hawaii Revised Statutes, is  
21 amended by designating sections 711-1100 to 711-1114 as part I,



1 entitled "General Provisions Relating to Offenses Against Public  
2 Order".

3 SECTION 4. In codifying the new sections added by section  
4 2 of this Act, the revisor of statutes shall substitute  
5 appropriate section numbers for the letters used in designating  
6 the new sections in this Act.

7 SECTION 5. 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 6. This Act shall take effect on July 1, 2024;  
11 provided that sections 711-B, 711-C, 711-D, and 711-G, Hawaii  
12 Revised Statutes, shall take effect on July 1, 2025.



**Report Title:**

Penal Code; Owners of Dangerous Dogs; Requirements and Penalties

**Description:**

Establishes the offense of negligent failure to control a dangerous dog. Beginning 7/1/2025, establishes provisions regarding the designation of dangerous dogs, requirements for owners of dangerous dogs, and impoundment of dangerous dogs. (CD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

