

JAN 19 2024

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 penalties for owners of dangerous dogs.

12 SECTION 2. Chapter 142, Hawaii Revised Statutes, is
13 amended by adding a new part to be appropriately designated and
14 to read as follows:

15 **"PART . DANGEROUS DOGS**

16 **§142- Definitions.** As used in this part, unless the
17 context clearly indicates or requires a different meaning:



1 "Animal control authority" means a county agency that
2 enforces animal laws or a private contractor retained by a
3 county to enforce animal laws.

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

8 "Bodily injury" has the same meaning as in section 707-700.

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

13 "Escape-proof kennel" means a kennel:

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

18 (2) Whose fencing or wall materials shall have no openings
19 or gaps that exceed two inches; and



1 (3) Whose gates, if any, shall be lockable and of such
2 design as to prevent the entry of children or the
3 escape of the dog.

4 "Intentionally" has the same meaning as set forth in
5 section 702-206(1).

6 "Knowingly" has the same meaning as set forth in section
7 702-206(2).

8 "Microchip" has the same meaning as in section 143-1.

9 "Negligently" has the same meaning as set forth in section
10 702-206(4).

11 "Officer" has the same meaning as in section 143-1.

12 "Owner" means any person owning, harboring, or keeping a
13 dog; provided that, if the owner is a minor under the age of
14 eighteen years, the parents, guardian, or another person having
15 the care, custody, or control of the minor shall be rebuttably
16 presumed to be the owner.

17 The person whose current contact information is registered
18 with a microchip registration company shall rebuttably be
19 presumed to be the owner of the dog for purposes of this part.

20 "Provocation" means behavior that precipitates a bite
21 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 an animal, or the
10 animal was on the property of the owner of the dog;
- 11 (5) The dog was responding to pain or injury inflicted by
12 the bitten person or animal;
- 13 (6) The dog was protecting itself, its kennel, or its
14 offspring from the bitten person or animal; or
- 15 (7) The bitten person or animal was disturbing the dog's
16 natural functions, such as sleeping or eating, while
17 the dog was on its owner's property.

18 "Recklessly" has the same meaning as set forth in section
19 702-206(3).

20 "Serious bodily injury" means a serious physical injury to
21 a person involving a broken bone, a concussion, a laceration



1 that extends down to the level of muscle or bone, or a tearing
2 or rupture of an organ.

3 "Serious injury to a domestic animal" means physical injury
4 to a domestic animal involving a broken bone, a concussion, a
5 laceration requiring multiple stitches, or a tearing or rupture
6 of an organ.

7 **§142- Designation as dangerous dog; basis.** (a) An
8 officer may find and declare a dog to be a dangerous dog if the
9 officer has probable cause to believe that the dog falls within
10 the definition of "dangerous dog". The declaration shall be
11 based upon:

12 (1) The written complaint of a person who is willing to
13 testify that the dog has acted in a manner that causes
14 it to fall within the definition of "dangerous dog";

15 (2) Actions of the dog witnessed by an officer; or

16 (3) Other substantial evidence admissible in court.

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

20 (1) Certified mail to the owner's last known address; or

21 (2) Personally.



1 §142- **Legal requirements of owner.** (a) The owner of a
2 dog declared to be a dangerous dog shall:
3 (1) Provide the owner's name, address, and telephone
4 number to the animal control authority;
5 (2) Provide the location at which the dangerous dog is
6 currently kept, if such location is not the owner's
7 address;
8 (3) Promptly notify the animal control authority of:
9 (A) Any changes in the ownership of the dangerous dog
10 or the location of the dangerous dog, along with
11 the names, addresses, and telephone numbers of
12 the new owners or the new address at which the
13 dangerous dog is located;
14 (B) Any further instances of an attack by the
15 dangerous dog upon a person or an animal;
16 (C) Any current or future claims made or legal
17 actions brought as a result of an attack by the
18 dangerous dog upon a person or an animal; or
19 (D) The death of the dangerous dog;
20 (4) Microchip the dangerous dog and register the owner's
21 microchip information pursuant to section 143-2.2;



1 provided that the microchip identification number of
2 the dangerous dog shall be provided to the animal
3 control authority;

4 (5) Ensure that the dangerous dog is under the control of
5 a person who is at least eighteen years of age, when
6 the dangerous dog is indoors at the owner's premises;

7 (6) Ensure that when the dangerous dog is outdoors on the
8 owner's premises and unattended, the dangerous dog is
9 confined to an escape-proof kennel and that the locks
10 of the kennel remain locked;

11 (7) Ensure that when the dangerous dog is outside on the
12 owner's premises and attended, the dangerous dog is
13 kept on a leash no longer than four feet in length,
14 under the control of a person at least eighteen years
15 of age, and kept within a fenced or walled area from
16 which it cannot escape;

17 (8) Ensure that when the dangerous dog is outdoors outside
18 the owner's premises, the dangerous dog shall be kept
19 on a leash no longer than four feet in length, under
20 the control of a person who is at least eighteen years
21 of age, and muzzled with a muzzle that prevents the



1 dangerous dog from biting any person or animal but
2 does not cause injury to the dangerous dog or
3 interfere with its vision or respiration;

4 (9) Place a sign or signs on the owner's premises
5 informing the public of the presence and dangerousness
6 of the dangerous dog; and

7 (10) Neuter or spay the dangerous dog at the owner's
8 expense, unless the neutering or spaying of the
9 dangerous dog is medically contraindicated.

10 (b) The owner of a dangerous dog who keeps the dangerous
11 dog in a manner found to be in violation of this section commits
12 the offense of negligent failure to control a dangerous dog and
13 the dangerous dog shall be subject to seizure and impoundment
14 pursuant to this part if the owner is unable to immediately
15 secure the dangerous dog.

16 **§142- Rescission of declaration.** (a) The owner of a
17 dangerous dog may apply to the animal control authority to have
18 the declaration rescinded after three years if all of the
19 following requirements have been met:

20 (1) The owner and dangerous dog have no subsequent
21 violations of this part;



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

3 (3) The owner provides proof to the animal control
4 authority of the dangerous dog's successful completion
5 of a behavior modification or management program
6 administered by an animal trainer or behaviorist
7 certified by a nationally recognized organization.

8 (b) If the animal control authority finds that the owner
9 and dangerous dog have complied with all of the requirements of
10 this section and the owner has provided sufficient evidence that
11 the dangerous dog's behavior has changed, the animal control
12 authority shall rescind the declaration.

13 **§142- Negligent failure to control a dangerous dog;**
14 **penalties.** (a) An owner of a dangerous dog commits the offense
15 of negligent failure to control a dangerous dog, if:

16 (1) A bite injury occurs due to the failure of an owner of
17 a dangerous dog to comply with the requirements of
18 this part; or

19 (2) An owner of a dangerous dog negligently fails to take
20 reasonable measures to prevent the dangerous dog from



1 causing a bite injury, without provocation, to a
2 person or another animal and the attack results in:
3 (A) The maiming or causing of serious injury to or
4 the death of another animal;
5 (B) Bodily injury to a person other than the owner;
6 or
7 (C) Serious bodily injury to or the death of a person
8 other than the owner.

9 (b) An offense under subsection (a)(1) or subsection
10 (a)(2)(A) or (B) is a misdemeanor and shall subject the owner of
11 the dangerous dog, without the possibility of suspension of the
12 sentence, to:

- 13 (1) A fine of not less than \$1,000 and not more than
14 \$2,000;
- 15 (2) A term of imprisonment of up to six months, or in lieu
16 of imprisonment, a period of probation of not more
17 than one year;
- 18 (3) Restitution to any individual who has suffered bodily
19 injury or property damage as a result of an attack by
20 the dangerous dog if the individual suffers financial
21 losses or medical expenses due to the attack. As used



1 in this paragraph, "medical expenses" may include the
2 costs of necessary counseling or rehabilitative
3 services; and

4 (4) Payment of all expenses for the boarding and retention
5 of the dangerous dog if it is seized and impounded
6 pursuant to this part.

7 (c) Unless the dangerous dog has been or is ordered to be
8 humanely destroyed, the owner of the dangerous dog shall also be
9 required to:

10 (1) Meet all of the conditions imposed on an owner of a
11 dangerous dog pursuant to this part;

12 (2) Obtain liability insurance or post bond of not less
13 than \$50,000, or in a higher amount, if the court
14 finds that a higher amount is appropriate to cover
15 medical or veterinary costs, or both, resulting from
16 potential future actions of the dangerous dog; and

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

19 (d) An offense under subsection (a)(2)(C) is a class C
20 felony and shall subject the owner of a dangerous dog, without
21 the possibility of suspension of the sentence, to:



- 1 (1) A fine of not less than \$1,000 and not more than
- 2 \$10,000;
- 3 (2) A term of imprisonment of not less than one year and
- 4 not more than five years, pursuant to chapter 706; and
- 5 (3) Euthanasia of the dangerous dog.

6 **§142- Impoundment of a dangerous dog.** (a) Any
7 enforcement officer may have a dangerous dog seized and
8 impounded:

- 9 (1) Upon finding probable cause of a violation of this
- 10 section, section 143-2.6, section 711-1108.5, section
- 11 711-1109, section 711-1109.3, or section 711-1109.35;
- 12 or
- 13 (2) If the dangerous dog poses an imminent threat to a
- 14 person or another animal.

15 (b) The owner of a dangerous dog that has been impounded
16 under this section may decline to surrender ownership of the
17 dangerous dog to the animal control authority by paying for
18 impoundment, care, and provision costs with the animal control
19 authority in an amount, determined by the animal control
20 authority, to be sufficient to provide for the dangerous dog's



1 care by the animal control authority for at least thirty days,
2 including the day on which the animal was taken into custody.

3 (c) If the owner of a dangerous dog that has been
4 impounded under this section cannot be located within five days
5 after the dangerous dog is impounded, ownership of the dangerous
6 dog shall be deemed relinquished.

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

11 (1) The owner shall secure the private boarding placement
12 for the dangerous dog within five days after dangerous
13 dog has been impounded by the animal control
14 authority; and

15 (2) All expenses for the boarding and care of the
16 dangerous dog shall be borne by the owner of the
17 dangerous dog.

18 (e) If the owner of the dangerous dog does not arrange for
19 private boarding placement, the following requirements shall
20 apply:



1 (1) The owner of the dangerous dog shall pay the animal
2 control authority within five days after the dangerous
3 dog is impounded;

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

7 (A) If the owner of the dangerous dog declines to
8 surrender ownership of the dangerous dog to the
9 animal control authority, the owner shall make an
10 additional payment to the animal control
11 authority at least five days before the
12 expiration of the previous payment; or

13 (B) If the owner of the dangerous dog has not made an
14 additional payment in a timely manner to the
15 animal control authority for impoundment, care,
16 and provision costs for the dangerous dog,
17 ownership of the dangerous dog shall be deemed
18 relinquished.

19 (f) A dangerous dog owner's failure to pay impoundment,
20 care, and provision costs for the dangerous dog pursuant to this
21 section shall result in forfeiture of the dangerous dog owner's



1 right to contest those costs and any ownership rights to the
2 dangerous dog.

3 (g) Any dangerous dog that is unclaimed by its owner
4 within five days after the owner has been notified that the
5 dangerous dog is eligible for release from impoundment shall be
6 deemed abandoned, and ownership of the dangerous dog shall be
7 deemed relinquished.

8 (h) If an animal control authority that is impounding a
9 dangerous dog pursuant to this section determines that the
10 dangerous dog is too dangerous for its staff to safely provide
11 basic care, the dangerous dog may be euthanized by the animal
12 control authority.

13 (i) If a licensed veterinarian determines that an
14 impounded dangerous dog is:

- 15 (1) Experiencing extreme pain or suffering;
- 16 (2) Severely injured past recovery;
- 17 (3) Severely disabled past recovery; or
- 18 (4) Severely diseased past recovery,

19 the dangerous dog may be euthanized by the animal control
20 authority.



1 (j) An owner of a dangerous dog shall not sell or transfer
2 the ownership or physical custody of the dangerous dog prior to
3 the time stated in the court summons, and the citation shall
4 notify the owner of this prohibition; provided that this
5 prohibition shall not apply when an owner transfers ownership of
6 the dangerous dog to an animal control authority.

7 (k) If a dangerous dog is seized and impounded pursuant to
8 this section, the citation shall notify the owner of the
9 dangerous dog that if the owner fails to appear at the time and
10 place stated in the court summons, the dangerous dog shall be
11 subject to relinquishment pursuant to subsection (c), (e), or
12 (g).

13 Any person who refuses to surrender a dangerous dog that is
14 subject to relinquishment pursuant to this section shall be
15 guilty of a petty misdemeanor.

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



1 (1) Notwithstanding any relinquishment of ownership of the
2 dangerous dog pursuant to subsection (c), (e), or (g) or
3 voluntary relinquishment of ownership of the dangerous dog, the
4 owner shall remain responsible for all expenses incurred in
5 boarding, caring for, and providing for the dangerous dog and
6 any fees and penalties that may be imposed by the court.

7 **§142- Inspection.** Upon presentation of proper
8 credentials, any officer may enter at reasonable times any
9 building, structure, or premises in the State for the purpose of
10 determining and enforcing compliance with this part or of any
11 court order issued under this part; provided that such entry
12 shall be made in a manner that causes the least possible
13 inconvenience to the person in possession or occupying the
14 building, structure, or premises; provided further that a court
15 order authorizing such entry shall be obtained if entry is
16 denied or resisted.

17 **§142- Exemption.** This part shall not apply to dogs
18 owned by any law enforcement agency and used in the performance
19 of law enforcement work.

20 **§142- Civil action not precluded.** Nothing in this part
21 shall preclude any person injured by a dangerous dog from



1 bringing a civil action against the owner of the dangerous dog
2 pursuant to law."

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

6 SECTION 4. This Act shall take effect on January 1, 2025.

7

INTRODUCED BY: _____

Karl Rhoad



S.B. NO. 2692

Report Title:

Owners of Dangerous Dogs; Requirements and Penalties

Description:

Establishes requirements and penalties for owners of dangerous dogs. Allows for impounding of dangerous dogs under certain conditions. Effective 1/1/2025.

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

