

STAND. COM. REP. NO.

3478

Honolulu, Hawaii

APR 03 2024

RE: H.B. No. 1580  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1580, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the criminal penalties for various animal cruelty offenses by increasing the category of offense.

Your Committee received testimony in support of this measure from the Department of Law Enforcement, Disability and Communication Access Board, Department of the Prosecuting Attorney of the City and County of Honolulu, Hawaiian Humane Society, Animal Interfaith Alliance in Britain, Hina's Legacy Rescue Foundation, Fur-Angel Foundation, Animal Welfare Institute, Hui Pono Holoholona, and twenty-four individuals.

Your Committee received testimony in opposition to this measure from the Office of the Public Defender and ten individuals.

Your Committee received comments on this measure from the Department of the Attorney General.



Your Committee finds that there has been a significant increase in animal cruelty cases in the State over the past five years. According to the Honolulu Police Department, there were seventy-three animal cruelty crimes in 2023 compared to fifty-eight in 2018. Additionally, recent research has shown that animal cruelty is a predictive and co-occurring crime with violence against humans, including children, intimate partners, and the elderly. Your Committee believes that the prevalence of animal cruelty crimes in the State and its correlation with other serious violent crimes warrants increased penalties for offenders. This measure will deter individuals from participating in animal abuse by increasing the criminal penalties for various animal cruelty offenses.

Your Committee has amended this measure by:

- (1) Clarifying that cruelty to animals in the second degree is a misdemeanor, except if the offense involves the death of an animal or if it involves ten or more pet animals in any one instance, it is a class B felony and in addition to any other penalties imposed, the person is prohibited from possessing or owning any animal for a minimum of five years from the date of conviction;
- (2) Deleting language that would have made a first offense of:
  - (A) Cruelty to animals by fighting dogs in the first degree a class A felony;
  - (B) Cruelty to animals by fighting dogs in the second degree a class B felony;
  - (C) Cruelty to animals by trapping a class C felony;
  - (D) Causing injury or death to a service animal or law enforcement animal a class B felony;
  - (E) Pet animal or equine animal desertion a misdemeanor with an additional \$2,000 fine;
  - (F) Pet animal or equine animal desertion and recklessly causing the death of or substantial



bodily injury to the pet animal or equine animal a class C felony with an additional \$10,000 fine; and

- (G) Sexual assault of an animal a class C or class A felony, depending on the presence of a minor;
- (3) Increasing the criminal penalties for the second or subsequent offense for:
- (A) Cruelty to animals by fighting dogs in the first degree;
  - (B) Cruelty to animals by fighting dogs in the second degree;
  - (C) Cruelty to animals by trapping;
  - (D) Causing injury or death to a service animal or law enforcement animal;
  - (E) Pet animal or equine animal desertion;
  - (F) Pet animal or equine animal desertion and recklessly causing the death of or substantial bodily injury to the pet animal or equine animal; and
  - (G) Sexual assault of an animal;
- (4) Making it effective upon its approval; and
- (5) 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 H.B. No. 1580, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1580, H.D. 1, 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*

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KARL RHOADS, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

|                         |                     |          |
|-------------------------|---------------------|----------|
| Bill / Resolution No.:* | Committee Referral: | Date:    |
| HB 1580 HD1             | JDC                 | 03/14/24 |

The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
  Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

| Members                  | Aye | Aye (WR) | Nay | Excused |
|--------------------------|-----|----------|-----|---------|
| RHOADS, Karl (C)         | ✓   |          |     |         |
| GABBARD, Mike (VC)       | ✓   |          |     |         |
| ELEFANTE, Brandon J.C.   | ✓   |          |     |         |
| SAN BUENAVENTURA, Joy A. | ✓   |          |     |         |
| AWA, Brenton             |     |          |     | ✓       |
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| <b>TOTAL</b>             | 4   | —        | —   | 1       |

Recommendation:  Adopted      Not Adopted

Chair's or Designee's Signature:  


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\*Only one measure per Record of Votes