

STAND. COM. REP. NO. **3641**

Honolulu, Hawaii

**APR 04 2024**

RE: H.B. No. 2058  
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. 2058, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DANGEROUS DOGS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish requirements and penalties for owners of dangerous dogs; and
- (2) Allow for impounding of dangerous dogs under certain conditions.

Your Committee received testimony in support of this measure from the Office of the Prosecuting Attorney of the County of Hawai'i, three members of the Hawai'i County Council, Hawai'i State Association of Counties, Hawaiian Humane Society, Hawai'i Animal Welfare Association, Animal Interfaith Alliance in Britain, Americans for Democratic Action Hawai'i, Hina's Legacy Rescue Foundation, Malama O Puna, and one hundred twenty-three individuals.

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



Your Committee received comments on this measure from the Department of the Attorney General, Department of Agriculture, and American Kennel Club.

Your Committee finds that the State struggles with the problem of loose dogs that behave aggressively. To address this issue, the County of Hawaii passed Ordinance No. 36 in 2022 to establish fines, penalties, and other regulations for individuals who own dangerous dogs. However, dog attacks have continued to occur, demonstrating the need for stronger laws and enforcement. Your Committee also finds that existing state law preempts the enactment of felony offenses through county ordinance. This measure will protect the public by addressing dangerous conditions caused by dogs and their owners in local communities and imposing appropriate penalties.

Your Committee has amended this measure by:

- (1) Establishing the new part added by this measure in chapter 711, Hawaii Revised Statutes, instead of chapter 142, Hawaii Revised Statutes;
- (2) Deleting language that would have included a private contractor retained by a county to enforce animal laws in the definition of "animal control authority";
- (3) Inserting a definition for "bodily injury" to have the same meaning as defined in section 707-700, Hawaii Revised Statutes;
- (4) Inserting definitions for "intentionally", "knowingly", and "recklessly" as those terms are defined in section 702-206, Hawaii Revised Statutes;
- (5) Defining "officer" to mean any sheriff, deputy, and any member of a police force and animal control officers of the several counties of the State;
- (6) Inserting a definition for "substantial bodily injury" to have the same meaning as defined in section 707-700, Hawaii Revised Statutes and replacing the term "serious bodily injury" with "substantial bodily injury";



- (7) Replacing the term "serious injury to any animal" with "substantial injury to any animal";
- (8) Deleting language that would have allowed a law enforcement officer to enter the premises where a dangerous dog is located to seize and impound the dog if there is probable cause to believe that there is a violation of section 143-2.6, Hawaii Revised Statutes;
- (9) Clarifying that a law enforcement officer is not liable for any damage resulting from an entry to impound a dangerous dog unless the damage was caused by acts beyond the scope of the officer's authority or the officer's negligence, gross negligence, or intentional misconduct rather than the damage resulted from intentional or reckless behavior;
- (10) Clarifying that the owner of a dangerous dog is required to pay the animal control authority within five days after the dangerous dog is impounded;
- (11) Clarifying that a dangerous dog owner's failure to pay impoundment, care, and provision costs for the dangerous dog may result in forfeiture of the dangerous dog owner's right to contest those costs and any ownership rights to the dangerous dog;
- (12) Inserting an effective date of April 14, 2112, to encourage further discussion; and
- (13) 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. 2058, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2058, 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,



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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.:* <b>HB 2058 HDI</b>	Committee Referral: <b>JDC</b>	Date: <b>03   19   24</b>
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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	✓			
<b>TOTAL</b>	<b>5</b>	<b>—</b>	<b>—</b>	<b>—</b>

Recommendation:      Adopted      Not Adopted

Chair's or Designee's Signature:  


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**\*Only one measure per Record of Votes**