

STAND. COM. REP. NO.

2528

Honolulu, Hawaii

FEB 16 2024

RE: S.B. No. 2561  
S.D. 1

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

Sir:

Your Committees on Agriculture and Environment and Public Safety and Intergovernmental and Military Affairs, to which was referred S.B. No. 2561 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit intentionally leaving or confining a pet animal in a vehicle under conditions that endanger the pet animal's health, safety, or well-being;
- (2) Permit law enforcement officers, animal control officers, and firefighters to enter an unattended vehicle to protect the health, safety, or well-being of a pet animal that is endangered by being left or confined in an unattended vehicle; and
- (3) Allow private citizens to rescue a pet animal that has been left in an unattended vehicle under certain circumstances.

Your Committees received testimony in support of this measure from the Animal Legal Defense Fund, Animal Rights Hawaii, and two individuals.



Your Committees received testimony in opposition to this measure from one individual.

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

Your Committees find that leaving a pet animal unattended in a vehicle can too often have tragic consequences. Your Committees recognize that the State experiences higher temperatures than most places year-round and that the temperature inside of a parked vehicle can rise rapidly, making it lethal for any unattended pet animals left or confined in a vehicle. This measure provides certain individuals who remove or retrieve an unattended pet animal from a vehicle immunity from civil and criminal liability, under certain circumstances. According to testimony received by your Committees, fourteen other states have passed similar measures and there has been no evidence that the passage of this measure would result in a rash of car window smashing across the State.

Your Committees recognize the concerns from the Department of the Attorney General regarding language throughout the measure.

Accordingly, your Committees have amended this measure by:

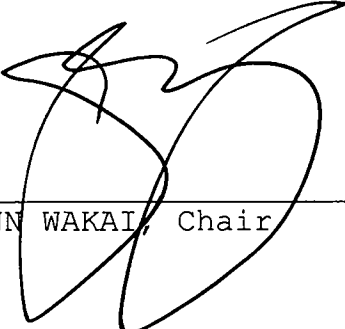
- (1) Deleting:
  - (A) Language relating to when a pet animal is accidentally left in a vehicle;
  - (B) The definitions of "person" and "unattended vehicle"; and
  - (C) The word "extreme" from the definitions of "extreme cold" and "extreme heat";
- (2) Placing language relating to affirmative defenses for criminal property damage to a vehicle as a result of the removal or retrieval of a pet animal under a new section of chapter 708, Hawaii Revised Statutes, relating to offenses against property rights;



- (3) Clarifying the type of attempts a private citizen must make to contact law enforcement before entering a vehicle to rescue an unattended pet animal;
- (4) Amending the violation for intentionally leaving or confining a pet animal in a vehicle under conditions that endanger their health, safety, or well-being from a \$500 fine to a misdemeanor under section 711-1109(1)(2), Hawaii Revised Statutes, relating to cruelty to animals in the second degree; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Public Safety and Intergovernmental and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2561, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2561, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committees on Agriculture and Environment and Public Safety and Intergovernmental and Military Affairs,



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GLENN WAKAI, Chair



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MIKE GABBARD, Chair





