

STAND. COM. REP. NO.

2848

Honolulu, Hawaii

MAR 01 2024

RE: S.B. No. 2692
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 S.B. No. 2692 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) Define what constitutes a dangerous dog; and
- (2) Establish penalties for owners of dangerous dogs.

Your Committee received testimony in support of this measure from the Office of the Prosecuting Attorney of the County of Hawaii, two members of the Hawai'i County Council, Hawaiian Humane Society, Aloha Animal Advocates, Hawaii Animal Welfare Association, Americans for Democratic Action Hawai'i, Animal Interfaith Alliance in Britain, and seventy-one individuals.

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

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



Your Committee finds that the State struggles with the problem of loose dogs that behave aggressively. Although some aggressive dogs are feral or abandoned, others have owners who have failed to control or train their dogs. This measure will hold owners accountable for the aggressive actions of their dogs that harm persons or other animals.

Your Committee has amended this measure by:

- (1) Deleting language that would have included a private contractor retained by a county to enforce animal laws in the definition of "animal control authority";
- (2) Deleting language that would have defined "serious bodily injury";
- (3) Inserting a definition for "substantial bodily injury" to have the same meaning as defined in section 707-700, Hawaii Revised Statutes;
- (4) Replacing the term "serious injury to a domestic animal" with "substantial injury to any animal";
- (5) Inserting language allowing the owner of a dog declared to be a dangerous dog to initiate a contested case with the declarant officer's department or agency within thirty days following the service date of the declaration;
- (6) Specifying that the owner of a dangerous dog is required to keep the dangerous dog on a fixed and secure leash no longer than four feet in length when the dangerous dog is outside on the owner's premises and attended;
- (7) Specifying that the owner of a dangerous dog is required to keep the dangerous dog on a fixed and secure leash no longer than four feet in length and muzzled with a properly fitted basket muzzle when the dangerous dog is outdoors outside the owner's premises;
- (8) Specifying that the owner of a dangerous dog is required to place a sign or signs provided by the animal control



authority on the owner's premises informing the public of the presence and dangerousness of the dangerous dog;

- (9) Clarifying that unless a dangerous dog has been or is ordered to be euthanized, instead of humanely destroyed, the owner of the dangerous dog is required to meet certain conditions and obtain liability insurance;
- (10) Deleting language that would have allowed any enforcement officer to have a dangerous dog seized and impounded upon finding probable cause of a violation or if the dangerous dog poses an imminent threat to a person or another animal;
- (11) Inserting language allowing a law enforcement officer, after obtaining a search warrant and if the officer finds probable cause to believe that a dangerous dog has been involved in a violation of negligent failure to control a dangerous dog, or if a dangerous dog poses an imminent threat of bodily injury to a person or another animal, to enter the premises where the dangerous dog is located and seize and impound the dog;
- (12) Inserting language requiring a law enforcement officer who impounds a dangerous dog to, if, after reasonable effort, the owner or person having custody of the dangerous dog cannot be found and notified of the impoundment, post an impoundment notice on the premises and within seventy-two hours after the posting send the notice by certified mail to the address, if any, from which the dangerous dog was removed;
- (13) Inserting language protecting a law enforcement officer who impounded a dangerous dog from liability for any damage resulting from entry involving the impoundment, 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;
- (14) Deleting redundant language that would have required a citation to notify the owner of the dangerous dog that is seized and impounded that if the owner fails to appear at the time and place stated in the court



summons, the dangerous dog will be subject to relinquishment; and

- (15) 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 S.B. No. 2692, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2692, 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, Chair



