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## A BILL FOR AN ACT

RELATING TO ANIMAL CRUELTY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that animal cruelty  
2 offenders are a threat to the health and safety of all members  
3 of our communities, especially vulnerable populations. Recent  
4 research has shown that animal cruelty is a predictive and  
5 co-occurring crime with violence against humans, including  
6 children, intimate partners, and the elderly. Psychological  
7 studies show that seventy per cent of violent criminals began by  
8 abusing animals. Children who witness animal abuse are also  
9 more likely to abuse animals as teenagers and adults.

10       The legislature further finds that there has been a  
11 significant increase in animal cruelty cases in Hawaii over the  
12 past five years. According to the Honolulu police department,  
13 there were seventy-three animal cruelty crimes in 2023 compared  
14 to fifty eight in 2018. The prevalence of animal cruelty crimes  
15 in the State and its correlation with other serious violent  
16 crimes warrants increased penalties for offenders.



1       Accordingly, the purpose of this Act is to amend the  
2 criminal penalties for various animal cruelty offenses by  
3 increasing the category of offense.

4       SECTION 2. Section 711-1108.5, Hawaii Revised Statutes, is  
5 amended by amending subsection (5) to read as follows:

6       "(5) Cruelty to animals in the first degree [~~is~~] shall be  
7 a class [C] B felony. In addition to any fines and imprisonment  
8 imposed under this section, any person convicted under this  
9 section shall be prohibited from possessing or owning any pet  
10 animal or equine animal for a minimum of five years from the  
11 date of conviction."

12       SECTION 3. Section 711-1109, Hawaii Revised Statutes, is  
13 amended to read as follows:

14       "**§711-1109 Cruelty to animals in the second degree.** (1)  
15 A person commits the offense of cruelty to animals in the second  
16 degree if the person intentionally, knowingly, or recklessly:

17       (a) Overdrives, overloads, tortures, torments, beats,  
18 causes substantial bodily injury to, or starves any  
19 animal, or causes the overdriving, overloading,  
20 torture, torment, beating, or starving of any animal;



- 1 (b) Deprives a pet animal of necessary sustenance or  
2 causes that deprivation;
- 3 (c) Mutilates, poisons, or kills without need any animal  
4 other than insects, vermin, or other pests; provided  
5 that the handling or extermination of any insect,  
6 vermin, or other pest is conducted in accordance with  
7 standard and acceptable pest control practices and all  
8 applicable laws and regulations;
- 9 (d) Keeps, uses, or in any way is connected with or  
10 interested in the management of, or receives money for  
11 the admission of any person to, any place kept or used  
12 for the purpose of fighting or baiting any bull, bear,  
13 cock, or other animal, and includes every person who  
14 encourages, aids, or assists therein, or who permits  
15 or suffers any place to be so kept or used;
- 16 (e) Carries or causes to be carried, in or upon any  
17 vehicle or other conveyance, any animal in a cruel or  
18 inhumane manner;
- 19 (f) Confines or causes to be confined, in a kennel or  
20 cage, any pet animal in a cruel or inhumane manner;



1 (g) Tethers, fastens, ties, or restrains a dog to a  
 2 doghouse, tree, fence, or any other stationary object,  
 3 or uses a trolley, trolley with swivels, pulley,  
 4 cable, running line, or trolley lacking swivels at  
 5 each end that is designed to attach a dog to two  
 6 stationary objects in a configuration that endangers  
 7 the dog, including preventing the dog from obtaining  
 8 necessary sustenance;

9 (h) Tethers or restrains a dog under the age of six months  
 10 unless the dog is engaged in an activity supervised by  
 11 its owner or an agent of its owner;

12 (i) Tethers or restrains a dog by a tow or log chain;

13 (j) Tethers or restrains by means of choke collar, pinch  
 14 collar, or prong collar unless the dog is engaged in  
 15 an activity supervised by its owner or an agent of its  
 16 owner; or

17 (k) Assists another in the commission of any act specified  
 18 in paragraphs (a) through (j).

19 (2) Subsection (1)(a), (b), (c), (e), (f), (g), and (h)

20 shall not apply to:

21 (a) Accepted veterinary practices;



1 (b) Activities carried on for scientific research governed  
2 by standards of accepted educational or medicinal  
3 practices; or

4 (c) Pest control operations conducted pursuant to chapter  
5 149A by a pest control operator licensed pursuant to  
6 chapter 460J, if the pest control is performed under a  
7 written contract.

8 (3) Whenever any animal is so severely injured that there  
9 is no reasonable probability that its life or usefulness can be  
10 saved, the animal may be immediately destroyed without creating  
11 any offense under this section.

12 (4) Cruelty to animals in the second degree [~~is~~] shall be  
13 a misdemeanor, except [~~that if the offense involves ten or more~~  
14 ~~pet animals in any one instance, then cruelty to animals in the~~  
15 ~~second degree is a class C felony.~~] as provided in subsection  
16 (5).

17 (5) If the offense involves the death of an animal, or if  
18 the offense involves ten or more pet animals in any one  
19 instance, cruelty to animals in the second degree shall be a  
20 class B felony. In addition to any other penalties imposed, the



1 person shall be prohibited from possessing or owning any animal  
2 for a minimum of five years from the date of conviction."

3 SECTION 4. Section 711-1109.3, Hawaii Revised Statutes, is  
4 amended by amending subsection (4) to read as follows:

5 "(4) [~~Violation of this section~~] Cruelty to animals by  
6 fighting dogs in the first degree shall be a class B felony[~~-~~]  
7 for the first offense and a class A felony for the second or  
8 subsequent offense."

9 SECTION 5. Section 711-1109.35, Hawaii Revised Statutes,  
10 is amended by amending subsection (3) to read as follows:

11 "(3) Cruelty to animals by fighting dogs in the second  
12 degree [~~is~~] shall be a class C felony[~~-~~] for the first offense  
13 and a class B felony for the second or subsequent offense."

14 SECTION 6. Section 711-1109.37, Hawaii Revised Statutes,  
15 is amended by amending subsection (4) to read as follows:

16 "(4) Cruelty to animals by trapping [~~is~~] shall be a  
17 misdemeanor[~~-~~] for the first offense and a class C felony for  
18 the second or subsequent offense."

19 SECTION 7. Section 711-1109.4, Hawaii Revised Statutes, is  
20 amended by amending subsection (3) to read as follows:



1        "(3) Any person who commits the offense of causing injury  
2 or death to a service animal or law enforcement animal shall be  
3 guilty of a class C felony[-] for the first offense and a class  
4 B felony for the second or subsequent offense."

5        SECTION 8. Section 711-1109.7, Hawaii Revised Statutes, is  
6 amended by amending subsections (2) and (3) to read as follows:

7        "(2) Any person who violates subsection (1) shall be  
8 guilty of a petty misdemeanor and subject to a fine not  
9 exceeding \$1,000 in addition to any other penalties[-] for the  
10 first offense and guilty of a misdemeanor and subject to a fine  
11 not exceeding \$2,000 in addition to any other penalties for the  
12 second or subsequent offense.

13        (3) Any person who violates subsection (1) and recklessly  
14 causes the death of or substantial bodily injury to the pet  
15 animal or equine animal shall be guilty of a misdemeanor and  
16 subject to a fine not exceeding \$2,000 in addition to any other  
17 penalties[-] for the first offense and guilty of a class C  
18 felony and subject to a fine not exceeding \$10,000 in addition  
19 to any other penalties for the second or subsequent offense."

20        SECTION 9. Section 711-1109.8, Hawaii Revised Statutes, is  
21 amended by amending subsection (3) to read as follows:



"(3) Unless otherwise provided by any other law:

(a) Sexual assault of an animal [~~is~~] shall be a misdemeanor for the first offense and a class [~~E~~] B felony for the second or subsequent offense; or

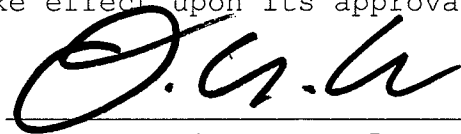
(b) If the offense subjected a minor to sexual contact with an animal or was committed in the presence of a minor as defined in section 706-606.4, sexual assault of an animal [~~is~~] shall be a class B felony[~~-~~] for the first offense and a class A felony for the second or subsequent offense."

SECTION 10. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 11. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 12. This Act shall take effect upon its approval.

INTRODUCED BY:



JAN 17 2025





# H.B. NO. 698

**Report Title:**

Animal Cruelty; Penalties

**Description:**

Amends the criminal penalties for various animal cruelty offenses by increasing the category of offense.

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

