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# A BILL FOR AN ACT

RELATING TO ANIMALS.

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

1       SECTION 1. The legislature finds that feral chickens have  
2 become a persistent nuisance, particularly in and around  
3 residential communities, by wandering into private land. Many  
4 Hawaii residents have repeatedly voiced concerns regarding feral  
5 chickens because these animals create nuisances by foraging in  
6 residential areas, crowing at inconvenient hours, agitating  
7 household pets, and creating road hazards for drivers who must  
8 suddenly stop or swerve to avoid them.

9       The legislature further finds that cases of H5N1 avian  
10 influenza (also known as "bird flu") have been rising across the  
11 United States and beyond, raising serious concerns about cross-  
12 contamination. Feral chickens, as potential carriers of this  
13 highly contagious and deadly disease, present a significant  
14 threat not only to Hawaii's native bird populations, but also to  
15 public health as the transmission of the virus to humans is a  
16 serious concern. Since March 2024, there have been sixty-six  
17 reported infections and at least one confirmed death attributed



1 to avian influenza in the United States. The uncontrolled  
2 presence of feral chickens increases the risk of spreading the  
3 disease and highlights the urgent need to take action.

4 Accordingly, the purpose of this Act is to permit the  
5 killing of feral chickens on private land with the permission of  
6 the landowner.

7 SECTION 2. Section 142-93.5, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "[+]§142-93.5[+] Mongoose; feral chickens; killing

10 allowed. (a) No person shall be prohibited from killing [a]:

11 (1) A mongoose in any manner not prohibited by law,

12 including by trapping[-]; or

13 (2) A feral chicken on private land with the permission of

14 the landowner in any manner not prohibited by law,

15 including but not limited to poisoning the feral

16 chicken in a cage using \_\_\_\_\_, decapitation, and

17 drowning.

18 (b) Nothing in this section shall be construed to:

19 (1) Permit animal fighting or cockfighting;

20 (2) Permit the use of torture, starvation, immolation, or

21 beating; or



(3) Create a right of entry on private land without consent from the private land's owner.

(c) As used in this section:

"Feral chickens" are a subset of "wild birds" as defined in section 183D-1.

"Private land" means any land owned by a person or entity, but does not include any land owned by the State, a county, the federal government, or any political subdivision thereof."

SECTION 3. Section 183D-62, Hawaii Revised Statutes, is amended to read as follows:

**"§183D-62 Taking, injuring, or destroying wild birds prohibited.** Except as provided in section 183D-61, no person shall intentionally, knowingly, or recklessly take, catch, injure, kill, or destroy, or attempt to take, catch, injure, kill, or destroy, any wild bird, or to keep or have possession of any wild bird, dead or alive, or to damage or destroy a nest of any wild bird[-]; provided that this section shall not apply to acts performed in accordance with section 142-93.5."

SECTION 4. Section 711-1109, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:



1       "(1) A person commits the offense of cruelty to animals in  
2 the second degree if the person intentionally, knowingly, or  
3 recklessly:

4       (a) Overdrives, overloads, tortures, torments, beats,  
5 causes substantial bodily injury to, or starves any  
6 animal, or causes the overdriving, overloading,  
7 torture, torment, beating, or starving of any animal;

8       (b) Deprives a pet animal of necessary sustenance or  
9 causes that deprivation;

10       (c) Mutilates, poisons, or kills without need any animal  
11 other than insects, vermin, or other pests; provided  
12 that the handling or extermination of any insect,  
13 vermin, or other pest is conducted in accordance with  
14 standard and acceptable pest control practices and all  
15 applicable laws and regulations; provided further that  
16 this paragraph shall not apply to acts performed in  
17 accordance with section 142-93.5;

18       (d) Keeps, uses, or in any way is connected with or  
19 interested in the management of, or receives money for  
20 the admission of any person to, any place kept or used  
21 for the purpose of fighting or baiting any bull, bear,



1 cock, or other animal, and includes every person who  
2 encourages, aids, or assists therein, or who permits  
3 or suffers any place to be so kept or used;

4 (e) Carries or causes to be carried, in or upon any  
5 vehicle or other conveyance, any animal in a cruel or  
6 inhumane manner;

7 (f) Confines or causes to be confined, in a kennel or  
8 cage, any pet animal in a cruel or inhumane manner;

9 (g) Tethers, fastens, ties, or restrains a dog to a  
10 doghouse, tree, fence, or any other stationary object,  
11 or uses a trolley, trolley with swivels, pulley,  
12 cable, running line, or trolley lacking swivels at  
13 each end that is designed to attach a dog to two  
14 stationary objects in a configuration that endangers  
15 the dog, including preventing the dog from obtaining  
16 necessary sustenance;

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

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



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

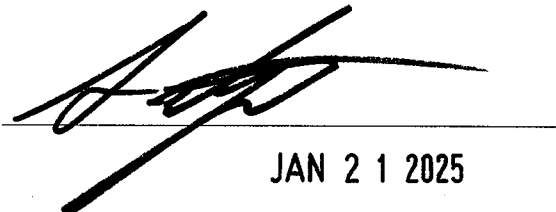
(k) Assists another in the commission of any act specified in paragraphs (a) through (j)."

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'A. J. ...', is written over a horizontal line.

JAN 21 2025



# H.B. NO. 980

**Report Title:**

Mongoose; Feral Chickens; Criminal Offenses

**Description:**

Amends the law authorizing the killing of mongoose by clarifying the circumstances under which mongoose may be killed and authorizing feral chickens to be killed under certain circumstances.

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

