

Honolulu, Hawaii

APR 03 2025

RE: H.B. No. 698  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 698, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to amend the criminal penalties for various animal cruelty offenses by increasing the category of offense.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by:

- (1) Inserting language that increases the criminal penalty for the offense of cruelty to animals in the first degree that involves a pet animal;
- (2) Specifying that the increase of the criminal penalty for the offense of cruelty to animals in the second degree applies for instances that involve a pet animal;
- (3) Deleting language that would have increased the category of offense for:



- (A) Cruelty to animals by fighting dogs in the first degree;
  - (B) Cruelty to animals by fighting dogs in the second degree;
  - (C) Cruelty to animals by trapping;
  - (D) Causing injury or death to a service animal or law enforcement animal;
  - (E) Pet animal or equine animal desertion; and
  - (F) Sexual assault of an animal;
- (4) Inserting additional legislative findings;
  - (5) Amending section 1 to reflect its amended purpose; and
  - (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee received testimony in support of the proposed S.D. 1 from the Hawaiian Humane Society, Kaua'i Humane Society, Fur-Angel Foundation, Animal Interfaith Alliance in Britain, Hina's Legacy Rescue Foundation, Paw Posse 'Ohana, Animal Law Section of the Hawai'i State Bar Association, Animal Legal Defense Fund, and numerous individuals.

Your Committee received testimony in opposition to the proposed S.D. 1 from the Office of the Public Defender; Hawaii Cattlemen's Council, Inc.; and numerous individuals.

Your Committee received comments on the proposed S.D. 1 from the Department of the Attorney General.

Your Committee finds that animal cruelty is a difficult crime to prosecute for a variety of reasons. Its victims cannot seek justice for themselves, many offenses take place behind closed doors, and witnesses frequently know the perpetrators and are unwilling to testify, often out of fear. Your Committee further finds that even when there is sufficient evidence to bring an animal cruelty case to trial, the hard work and bravery it takes



to bear witness on behalf of vulnerable animals often results in minor penalties and almost never includes jail time. This measure will ensure that cases involving the most egregious abuse of pet animals, under first and second degree cruelty to animals, face penalties commensurate with the seriousness of the offenses.

Your Committee notes that the proposed S.D. 1 version of this measure only increases the criminal penalties for the offenses of cruelty to animals in the first and second degree that involve pet animals. Pursuant to section 711-1100, Hawaii Revised Statutes (HRS), "pet animals" includes "caged birds", which only includes Passeriformes (perching birds), Piciformes (arboreal birds), and Psittaciformes (parrots). Chickens tend to be in a different order (Galliformes), which includes chickens, quails, and turkeys, and thus are not included under the definition of "pet animals". Your Committee further notes that the definition of "pet animals" under section 711-1100, HRS, includes domesticated pigs, but only so long as the pigs are not bred for consumption. Therefore, chickens, roosters, and domesticated pigs bred for consumption would not fall under the definition of "pet animals" and would not trigger the heightened penalties included in the proposed S.D. 1 version of this measure.

Your Committee also notes that section 347-2.5, HRS, defines "service animal" to mean any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability, and does not include other species of animals. Your Committee further notes that service animals and law enforcement animals form close bonds with their owners or handlers and can be extremely costly to replace if seriously injured or killed due to the amount of time and resources it takes to train these animals. Given these concerns, your Committee believes that this measure should be amended to increase the penalties for the offense of causing injury or death to a service animal or law enforcement animal.

Accordingly, your Committee has amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- (1) Specifying that a person convicted for the offense of cruelty to animals in the second degree is prohibited from possessing or owning any pet animal for a minimum



of five years from the date of conviction if the violation involved a pet animal;

- (2) Inserting language increasing the criminal penalty for a second or subsequent offense of causing injury or death to a service animal or law enforcement animal;
- (3) Inserting additional legislative findings;
- (4) Amending section 1 to reflect its amended purpose; and
- (5) 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. 698, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 698, 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-Third Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>HB 698 HD1</b>	Committee Referral: <b>JDC</b>	Date: <b>3/31/25</b>
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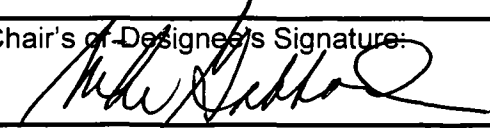
The Committee is reconsidering its previous decision on this measure.  
If so, then the previous decision was to: \_\_\_\_\_

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)	✓			
CHANG, Stanley		✓		
SAN BUENAVENTURA, Joy A.				✓
AWA, Brenton	✓			
<b>TOTAL</b>	<b>3</b>	<b>1</b>	<b>-</b>	<b>1</b>

Recommendation:  Adopted      Not Adopted

Chair's or Designee's Signature:  


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\*Only one measure per Record of Votes