
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;



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

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

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

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

(5) If the offense involves the death of an animal, or if the offense involves ten or more pet animals in any one instance, cruelty to animals in the second degree shall be a 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 to read as follows:

5 **"§711-1109.3 Cruelty to animals by fighting dogs in the**
6 **first degree.** (1) A person commits the offense of cruelty to
7 animals by fighting dogs in the first degree if the person:

8 (a) Knowingly:

9 (i) Causes, sponsors, arranges, or holds a dogfight
10 for entertainment or financial gain; or

11 (ii) Owns, trains, transports, possesses, sells,
12 transfers, or equips any dog with the intent that
13 the dog shall be engaged in a dogfight; or

14 (b) Recklessly:

15 (i) Allows a dogfight to occur on any property owned
16 or controlled by the person; or

17 (ii) Allows any dog intended to be used for a dogfight
18 to be kept, trained on, or transported in, any
19 property owned or controlled by the person.

20 (2) Nothing in this section shall prohibit any of the
21 following:



(a) The use of dogs in the management of livestock by the owner of the livestock or the owner's employees or agents or other persons in lawful custody thereof;

(b) The use of dogs in hunting wildlife including game; or

(c) The training of dogs or the use of equipment in the training of dogs for any purpose not prohibited by law.

(3) As used in this section, "dogfight" means a dog or dogs pitted against another dog or dogs with the intent that the encounter will result in injury to one or more of the dogs.

(4) ~~[Violation of this section]~~ Cruelty to animals by fighting dogs in the first degree shall be a class B felony~~[-]~~, except as provided in subsection (5).

(5) A second or any subsequent offense that occurs after a prior conviction for this offense shall be a class A felony.

~~[-(5)-]~~ (6) If there is any conflict between this section and section 711-1109, or any other provision of law, this section shall apply."

SECTION 5. Section 711-1109.35, Hawaii Revised Statutes, is amended to read as follows:



1 "[+]§711-1109.35[+] **Cruelty to animals by fighting dogs in**
2 **the second degree.** (1) A person commits the offense of cruelty
3 to animals by fighting dogs in the second degree if the person
4 knowingly:

5 (a) Wagers on a dogfight;

6 (b) Attends or pays to attend a dogfight; or

7 (c) Possesses any device intended to enhance the dog's
8 fighting ability with the intent that the device be
9 used to train or prepare the dog for a dogfight.

10 (2) As used in this section:

11 "Bait dog" means a live animal used to train or prepare
12 dogs for a dogfight.

13 "Device" means both animate and inanimate objects and
14 includes live animals used as bait dogs.

15 "Dogfight" means a dog or dogs pitted against another dog
16 or dogs with the intent that the encounter will result in injury
17 to one or more of the dogs.

18 "Wager" means staking or risking something of value on the
19 outcome of a dogfight.



(3) Cruelty to animals by fighting dogs in the second degree ~~is~~ shall be a class C felony~~[-]~~, except as provided in subsection (4).

(4) A second or any subsequent offense that occurs after a prior conviction for this offense shall be a class B felony."

SECTION 6. Section 711-1109.37, Hawaii Revised Statutes, is amended to read as follows:

"[~~§~~711-1109.37~~]~~ Cruelty to animals by trapping. (1)

A person commits the offense of cruelty to animals by trapping if the person intentionally, knowingly, or recklessly uses, sets, or maintains:

(a) A steel-jawed leg-hold trap; or

(b) A snare, conibear trap, or foot- or leg-hold trap in an area zoned as residential or any other area where such snare or trap is prohibited by law or rule; except under the situations described in subsection (2).

(2) Subsection (1)(b) shall not apply to employees of state or federal agencies, or persons acting as a designated cooperator or an agent of the State, who are carrying out activities required under a management plan approved by state or



1 federal agencies, pursuant to a mandatory statutory duty for the
2 protection of species listed as threatened or endangered
3 species, or other wildlife species protected by law, or for the
4 protection of public health, safety, or property.

5 (3) As used in this section:

6 "Conibear trap" means a contrivance consisting of metal or
7 steel designed to kill by crushing the body or severing the
8 spinal cord of any animal. "Conibear trap" shall not include
9 snap traps used for rodent control.

10 "Foot- or leg-hold trap" means a contrivance consisting of
11 metal or steel that is off-set, padded or laminated, and is
12 designed to capture and hold any animal by a foot or limb.

13 "Snare" means a contrivance consisting of a noose,
14 regardless of material, designed to capture, trap, or kill any
15 animal or hold any animal by a foot, limb, or neck.

16 "Steel-jawed leg-hold trap" means a spring-powered
17 contrivance that captures or holds the limb of an animal by
18 exerting a lateral force with fix-mounted jaws.

19 (4) Cruelty to animals by trapping [~~is~~] shall be a
20 misdemeanor[~~-~~], except as provided in subsection (5).



1 (5) A second or any subsequent offense that occurs after a
2 prior conviction for this offense shall be a class C felony."

3 SECTION 7. Section 711-1109.4, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§711-1109.4 Causing injury or death to a service animal**
6 **or law enforcement animal.** (1) A person commits the offense of
7 causing injury or death to a service animal or law enforcement
8 animal if:

9 (a) The person recklessly causes substantial bodily injury
10 to or the death of any service animal or law
11 enforcement animal while the service animal or law
12 enforcement animal is in the discharge of its duties;
13 or

14 (b) The person is the owner of a dog and recklessly
15 permits that dog to attack a service animal or law
16 enforcement animal while the service animal or law
17 enforcement animal is in the discharge of its duties,
18 resulting in the substantial bodily injury or death of
19 the service animal or law enforcement animal.

20 (2) Subsection (1) shall not apply to:

21 (a) Accepted veterinary practices;



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

(c) Cropping or docking as customarily practiced and permitted by law.

(3) Any person who commits the offense of causing injury or death to a service animal or law enforcement animal shall be guilty of a class C felony~~[-]~~, except as provided in subsection (4).

(4) A second or subsequent offense that occurs after a prior conviction for this offense shall be a class B felony.

~~[-(4)]~~ (5) In addition to any other penalties, any person who is convicted of a violation of this section shall be ordered to make restitution to:

(a) The owner of the service animal or law enforcement animal for any veterinary bills and out-of-pocket costs incurred as a result of the injury to the service animal or law enforcement animal; and

(b) The person, entity, or organization that incurs the cost of retraining or replacing the service animal or law enforcement animal for the cost of retraining or



1 replacing the service animal or law enforcement animal
2 if it is disabled or killed.

3 ~~[-5-]~~ (6) As used in this section "service animal" shall
4 have the same meaning as in section 347-2.5."

5 SECTION 8. Section 711-1109.7, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "[+]§711-1109.7[+] **Pet animal or equine animal desertion.**

8 (1) It shall be unlawful for the owner or any person in
9 possession of any pet animal or equine animal to desert the pet
10 animal or equine animal.

11 (2) Any person who violates subsection (1) shall be guilty
12 of a petty misdemeanor ~~[and subject to a fine not exceeding~~
13 ~~\$1,000 in addition to any other penalties.]~~, except as provided
14 in subsection (3).

15 (3) A second or subsequent offense that occurs after a
16 prior conviction for a violation of subsection (1) or (4) shall
17 be a misdemeanor.

18 ~~[-3-]~~ (4) Any person who violates subsection (1) and
19 recklessly causes the death of or substantial bodily injury to
20 the pet animal or equine animal shall be guilty of a misdemeanor



1 ~~[and subject to a fine not exceeding \$2,000 in addition to any~~
2 ~~other penalties.]~~, except as provided in subsection (5).

3 (5) A second or subsequent offense that occurs after a
4 prior conviction for a violation of subsection (1) or (4), and
5 the second or subsequent offense recklessly causes the death of
6 or substantial bodily injury to the pet animal or equine animal,
7 shall be a class C felony.

8 ~~[-(5)-]~~ (6) For the purposes of this section, "desert" means
9 to leave without the intent to return."

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

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

13 (a) Sexual assault of an animal ~~[is]~~ shall be a
14 misdemeanor ~~[for the first offense and a class C~~
15 ~~felony for the second or subsequent offense; or]~~,
16 except as provided in subsection (3) (b), (3) (c), or
17 (3) (d);

18 (b) A second or subsequent offense in violation of
19 subsection (1) that occurs after a prior conviction
20 for subsection (1) shall be a class B felony;



1 ~~[-b-]~~ (c) If the offense subjected a minor to sexual
2 contact with an animal or was committed in the
3 presence of a minor as defined in section 706-606.4,
4 sexual assault of an animal ~~[is]~~ shall be a class B
5 felony~~[-]~~, except as provided in subsection (3) (d).

6 (d) A second or subsequent offense in violation of
7 subsection (3) (c) that occurs after a prior conviction
8 for violation of subsection (1) or (3) (c) shall be
9 guilty of a class A felony."

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

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

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



Report Title:

Penal Code; Animal Cruelty; Penalties

Description:

Amends the criminal penalties for various animal cruelty offenses by increasing the category of offense. (HD1)

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

