

ACT 227

H.B. NO. 992

A Bill for an Act Relating to Dog Control.

*Be It Enacted by the Legislature of the State of Hawaii:*

**SECTION 1. Purpose.** Under present law, the counties have the responsibility to apprehend stray dogs and to maintain shelters for their impounding. It is the State, however, that has the authority to determine the appropriate penalties and fees. This Act will transfer the authority to determine the penalties for unlicensed dogs and stray licensed dogs, as well as the impoundment fee for such dogs, from the State to the counties. This Act also updates the definition of "officer", and holds a parent or guardian responsible for compliance with the laws pertaining to the licensing and regulation of dogs when the owner of a dog is a minor. This Act further will make it a misdemeanor for failing to destroy or provide suitable medical treatment and care for a diseased dog which is consistent with the penalty for cruelty to animals.

**SECTION 2.** Section 143-1, Hawaii Revised Statutes, is amended by amending the definition of "owner" and "officer" to read as follows:

"Owner" includes every person owning, harboring, or keeping a dog; provided that if the owner is a minor under the age of eighteen years, the parent, guardian, or other person having the care, custody, or control of the minor shall be irrebuttably presumed to be the owner;

"Officer" means any sheriff, deputy, any member of a police force in counties with a population of less than 100,000 and [dog wardens] animal control officers of the several counties of the State;"

**SECTION 3.** Section 143-4, Hawaii Revised Statutes, is amended to read as follows:

**"§143-4 Issuance of license and tags.** Upon the receipt of the license fee the director of finance shall issue to the person paying the fee a license stating the following:

- (1) The name and address of the person to whom the license is issued;
- (2) The year for which the license is paid;
- (3) The date of payment;
- (4) A description of the dog for which the license is issued;
- (5) The number of the metal tag issued for the dog.

The director of finance shall at the same time issue and deliver to the person a metal tag of such form and design as he may designate with a serial number and the year for which it is issued plainly inscribed thereon, [charging therefor the sum of 10 cents,] which tag shall be attached to a collar around the neck of the dog for which the license has been issued. The fee for the tag shall be set by each county

council; provided that until and unless provided by ordinance the fee shall be 10 cents."

SECTION 4. Section 143-7, Hawaii Revised Statutes, is amended to read as follows:

**"§143-7 Pounds and [dog wardens.] animal control officers.** The council of each county may establish and maintain pounds for the impounding of dogs under this chapter, and may provide for the appointment and compensation of [dog wardens] animal control officers who shall have all the powers of a sheriff or police officer in carrying out this chapter."

SECTION 5. Section 143-8, Hawaii Revised Statutes, is amended to read as follows:

**"§143-8 Seizure and redemption of unlicensed dogs.** Except where licensing requirements are dispensed with, every officer shall seize any unlicensed dog found running at large or found upon any public highway, street, alley, court, place, square, or grounds, or upon any unfenced lot, or not within a sufficient enclosure, whether in the immediate presence of the owner or otherwise, and confine it in a pound or any suitable enclosure for a period of forty-eight hours, during which time it shall be subject to redemption by its owner by payment of the license due, if any, and a penalty [of 50 cents.] to be set by each county council; provided that until and unless provided by ordinance the penalty shall be \$2.50. If not so redeemed, the dog shall be sold by the officer for the amount of the license and penalty due, or as much more as can be obtained therefor[.]; provided that the officer may neuter or require the neutering of the dog prior to sale, and if not so sold it shall be humanely destroyed. The owner of any unlicensed dog impounded and not claimed within forty-eight hours as provided in this section, may redeem the dog at any time before sale or destruction of [same] the dog by paying to the officer, in addition to the amount of the license and penalty, [the sum of 25 cents] an impoundment fee per day for the number of days over two days the dog was impounded. Each county council shall have the power to fix the impoundment fee for dogs; provided that until and unless otherwise provided by ordinance the impoundment fee shall be \$2.50 a day. Of the money so received the amount of the license fee shall be paid to the director of finance and the balance shall be retained by the officer to defray the expenses of collecting, keeping, and feeding the dog."

SECTION 6. Section 143-9, Hawaii Revised Statutes, is amended to read as follows:

**"§143-9 Redemption of dog after sale.** The owner of any dog which has been seized and sold as provided in this chapter [may], at any time within thirty days after the sale, may redeem the [same] dog from the purchaser by paying to him the amount of the purchase price paid by the purchaser and [the sum of 25 cents] an impoundment fee per day as provided in section 143-8, for the number of days from the date of sale to and including the date of the redemption. If the dog has been neutered in the manner provided in section 143-8, the owner shall pay to the purchaser the amount of the neutering charge."

SECTION 7. Section 143-10, Hawaii Revised Statutes, is amended to read as follows:

**"§143-10 Stray dogs.** Every person who takes into his possession any stray dog shall immediately notify the [dog warden] animal control officer and release the dog to the [dog warden] animal control officer upon demand. If there is attached to the dog a license tag for the then current year, the [dog warden] animal control officer shall notify in writing the person to whom the license was issued, at the address given in the license certificate, and [shall], upon demand made within twenty-four hours thereafter[,], and without charge, shall release the dog to the person. If no person lawfully entitled to the dog [shall], within nine days after the date of giving the notice, shall claim the dog, the dog may be sold or destroyed by the [dog warden] animal control officer in the manner provided in section 143-8 for unlicensed dogs."

SECTION 8. Section 143-11, Hawaii Revised Statutes, is amended to read as follows:

**"§143-11 Redemption of stray licensed dogs.** The owner of any licensed dog impounded and not claimed within twenty-four hours as provided in section 143-10, may redeem the dog at any time before the sale or destruction of the dog by paying to the [dog warden the sum of 25 cents] animal control officer an impoundment fee per day as provided in section 143-8, for the number of days the dog was impounded."

SECTION 9. Section 143-12, Hawaii Revised Statutes, is amended to read as follows:

**"§143-12 Seizure and disposal of diseased dogs; penalty.** Any police officer or<sup>1</sup> animal control officer may seize and [(], after notice to the owner[,], if he can be found[)], may kill any dog running at large which is so obviously diseased as to be a menace to the health of persons or animals.

Any owner of any dog so diseased, who recovers the dog from the police officer[,], or animal control officer, after notice as aforesaid, and does not [forthwith] furnish forthwith suitable medical treatment and care for, or destroy, the diseased dog, shall be [fined \$5.] guilty of a misdemeanor."

SECTION 10. Section 143-13, Hawaii Revised Statutes, is amended to read as follows:

**"§143-13 Destruction of diseased or unfit dogs.** All dogs taken into the custody of the [dog warden] animal control officer which by reason of age, [or] disease, or other [cause,] causes, are unfit for further use or are dangerous to keep impounded, may be forthwith humanely destroyed by the [dog warden.] animal control officer."

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

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

(Approved June 8, 1983.)

**Note**

- 1. Underscoring missing.