

ACT 91

S.B. NO. 1512

A Bill for an Act Relating to the Penal Code.

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

SECTION 1. Chapter 710, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

**“PART . OFFENSES AND OTHER PROVISIONS RELATING TO
LAW ENFORCEMENT ANIMALS**

§710-A Definitions. As used in this part:

“Law enforcement horse or dog” means a horse or dog that is trained to perform law enforcement duties under the supervision of a law enforcement officer who is performing the law enforcement officer’s duties.

“Substantial bodily injury” means bodily injury which causes:

- (1) Major avulsion, laceration, or penetration of the skin;
- (2) Burns of at least second degree severity;
- (3) Bone fracture;
- (4) Serious concussion; or
- (5) Tearing, rupture, or corrosive damage to the esophagus, viscera, or other internal organs.

§710-B Endangering a law enforcement horse or dog in the first degree.

(1) A person endangers a law enforcement horse or dog in the first degree if that person intentionally or knowingly inflicts substantial bodily injury on, or causes the death of a law enforcement horse or dog that the person knows or reasonably should know is a law enforcement horse or dog.

(2) Endangering a law enforcement horse or dog in the first degree is a class C felony.

§710-C Endangering a law enforcement horse or dog in the second degree.

(1) A person endangers a law enforcement horse or dog in the second degree if that person recklessly inflicts substantial bodily injury on, or causes the death of a law enforcement horse or dog that the person knows or reasonably should know is a law enforcement horse or dog.

(2) Endangering a law enforcement horse or dog in the second degree is a misdemeanor.

§710-D Interfering with a law enforcement horse or dog. (1) A person interferes with a law enforcement horse or dog if, with the intent to distract, agitate, or harm the law enforcement horse or dog, the person intentionally or knowingly strikes, shoves, or kicks the law enforcement horse or dog or subjects the law enforcement horse or dog to offensive physical contact while the law enforcement horse or dog is in performance of its official duties.

(2) Interfering with a law enforcement horse or dog is a petty misdemeanor.

§710-E Restitution for law enforcement horse or dog. Any person convicted of violating section 710-B or 710-C shall make restitution to the law enforcement agency or officer that owns the horse or dog for:

- (1) Veterinary services or other medical costs;
- (2) Replacement costs if the animal is disabled or killed;
- (3) Lost wages of the law enforcement officer; and
- (4) Any other costs related to violation of section 710-B or 710-C.”

SECTION 2. Section 701-118, Hawaii Revised Statutes, is amended to read as follows:

“§701-118 General definitions. In this Code, unless a different meaning plainly is required:

- (1) “Statute” includes the Constitution of the State and a local law or ordinance of a political subdivision of the State;
- (2) “Act” or “action” means a bodily movement whether voluntary or involuntary;
- (3) “Omission” means a failure to act;
- (4) “Conduct” means an act or omission, or, where relevant, a series of acts or a series of omissions, or a series of acts and omissions;

- (5) "Actor" includes, a person who acts, or, where relevant, a person guilty of omission;
- (6) "Acted" includes, where relevant, "omitted to act";
- (7) "Person," "he," "him," "actor," and "defendant" include any natural person and, where relevant, a corporation or an unincorporated association;
- (8) "Another" means any other person and includes, where relevant, the United States, this State and any of its political subdivisions, and any other state and any of its political subdivisions; ~~and~~
- (9) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States [-]; and
- (10) "Law enforcement officer" means any public servant, whether employed by the State or county or by the United States, vested by law with a duty to maintain public order or, to make arrests for offenses or to enforce the criminal laws, whether that duty extends to all offenses or is limited to a specific class of offenses."

SECTION 3. Section 710-1010, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) A person commits the offense of obstructing government operations if, by using or threatening to use violence, force, or physical interference or obstacle, the person intentionally obstructs, impairs, or hinders:

- (a) The performance of a governmental function by a public servant acting under color of the public servant's official authority; ~~[or]~~
- (b) The enforcement of the penal law or the preservation of the peace by a ~~[peacee]~~ law enforcement officer acting under color of the ~~[peacee]~~ law enforcement officer's official authority [-] or
- (c)¹ The operation of a radio, telephone, television, or other telecommunication system owned or operated by the State or one of its political subdivisions."

SECTION 4. Chapters 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, and 712A, Hawaii Revised Statutes, are amended by substituting the term "law enforcement officer", or like term, wherever the term "peace officer", or like term, appears as the context requires.

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.²

SECTION 7. This Act shall take effect upon its approval; provided that section 1 shall be repealed on June 1, 2002.

(Approved May 7, 2001.)

Notes

- 1. "(c)" should be underscored.
- 2. Edited pursuant to HRS §23G-16.5.