

ACT 135

S.B. NO. 1068

A Bill for an Act Relating to Animal Cruelty.

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

SECTION 1. Section 711-1108.5, Hawaii Revised Statutes, is amended to read as follows:

“§711-1108.5 Cruelty to animals in the first degree. (1) A person commits the offense of cruelty to animals in the first degree if the person intentionally or knowingly [~~tortures~~];

- (a) Tortures, mutilates, or poisons or causes the torture, mutilation, or poisoning of any pet animal or equine animal resulting in serious bodily injury or death of the pet animal or equine animal[-]; or
- (b) Kills or attempts to kill any pet animal belonging to another person, without first obtaining legal authority or the consent of the pet animal's owner.
- (2) Subsection [(4)] (1)(a) shall not apply to:
 - (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.
- (3) Subsection (1)(b) shall not apply to:
 - (a) Humane euthanasia of any animal by an animal control officer, duly incorporated humane society, duly incorporated society for the prevention of cruelty to animals, or duly authorized governmental agency in accordance with American Veterinary Medical Association accepted standards; or
 - (b) Conduct which the actor believes to be necessary to avoid an imminent harm or evil to the actor, another person, or an animal; provided that the harm or evil sought to be avoided by such conduct is greater than that sought to be prevented by this section and is justifiable as provided in section 703-302 for choice of evils; provided further that, for purposes of this paragraph, as the justification described in section 703-302 shall also apply to conduct which the actor believes to be necessary to avoid an imminent harm or evil to an animal.

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

[(4)] (5) Cruelty to animals in the first degree is a class C felony.”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2011.

(Approved June 20, 2011.)