

ACT 205

S.B. NO. 635

A Bill for an Act Relating to Animal Cruelty.

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

SECTION 1. The legislature finds that Hawaii's existing penal code does not adequately address situations when an offender injures or kills an animal used by a law enforcement agency or corrections facility. Dogs, horses, or other animals are specifically trained to assist law enforcement in detecting criminal activity, enforcing laws, or apprehending criminal offenders. On the national level,

law enforcement trained animals are being used more frequently on a daily basis to assist law enforcement officers in the field to safely complete their daily activities, search for narcotics and explosives, and assist in search and rescue missions. Within the last twenty years, law enforcement agencies have relied on trained animals to address some of the departments' most dangerous assignments.

Although the death or injury of a law enforcement animal is not a serious problem in Hawaii yet, it has become a problem across the country. During the last forty years, one hundred thirty-nine police dogs were killed in the line of duty by firearms. In 2000, the federal government enacted the Federal Law Enforcement Animal Protection Act of 2000. This federal law recognized the need to provide legal protection to animals who work with sworn law enforcement personnel on a daily basis to keep communities safe by imposing penalties on any person who wilfully and maliciously harms any police animal or attempts or conspires to do so, permanently disables or disfigures the animal, or causes serious bodily injury to or the death of the animal. Forty-four states and one territory have laws that protect law enforcement animals that include police dogs, police horses, and fire dogs. The legislature finds that it is now time for Hawaii to join this group to protect the animals that work hard every day to keep our community safe.

The purpose of this Act is to protect law enforcement animals in the line of duty by including law enforcement animals under the offenses of causing injury or death to a service dog and intentional interference with the use of a service dog.

SECTION 2. Section 711-1109.4, Hawaii Revised Statutes, is amended to read as follows:

“§711-1109.4 Causing injury or death to a service dog[-] or law enforcement animal. (1) A person commits the offense of causing injury or death to a service dog or law enforcement animal if:

- (a) The person recklessly causes substantial bodily injury to or the death of any service dog or law enforcement animal while the service dog or law enforcement animal is in the discharge of its duties; or
- (b) The person is the owner of a dog and recklessly permits that dog to attack a service dog or law enforcement animal while the service dog or law enforcement animal is in the discharge of its duties, resulting in the substantial bodily injury or death of the service dog[-] or law enforcement animal.

(2) Subsection (1) 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 and permitted by law.

~~[(2)]~~ (3) Any person who commits the offense of causing injury or death to a service dog or law enforcement animal shall be ~~[punished as follows:-~~

- (a) ~~For a first offense by a fine of not more than \$2,000, imprisonment of not more than thirty days, or both; and~~
- (b) ~~For a second or subsequent offense by a fine of not more than \$5,000, imprisonment of not more than thirty days, or both.] guilty of a class C felony.~~

~~[(3) Any]~~ (4) 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 ~~[person with a disability who has custody or ownership]~~ owner of the service dog[-] or law enforcement animal for any veterinary

bills and out-of-pocket costs incurred as a result of the injury to the service dog~~;~~ or law enforcement animal; and

- (b) The person, entity, or organization that incurs the cost of retraining or replacing the service dog~~;~~ or law enforcement animal for the cost of retraining or replacing the service dog or law enforcement animal if it is disabled or killed.

~~[(4)]~~ (5) As used in this section “service dog” shall have the same meaning as in section 347-2.5.”

SECTION 3. Section 711-1109.5, Hawaii Revised Statutes, is amended to read as follows:

“§711-1109.5 Intentional interference with the use of a service dog~~[-]~~ or law enforcement animal. (1) A person commits the offense of intentional interference with the use of a service dog or law enforcement animal if the person, with no legal justification, intentionally or knowingly~~[-]~~:

- (a) ~~Harms~~ strikes, beats, kicks, cuts, stabs, shoots, or administers any type of harmful substance or poison to a service dog~~[-]~~ or
 (b) ~~Strikes or kicks a service dog;~~ or law enforcement animal while the service dog or law enforcement animal is in the discharge of its duties.

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

- (a) Accepted veterinary practices;
 (b) Activities carried on for scientific research governed by standards or accepted educational or medicinal practices; or
 (c) Cropping or docking as customarily practiced and permitted by law.

~~[(2)]~~ (3) Intentional interference with the use of a service dog or law enforcement animal is a misdemeanor.

(4) 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 dog or law enforcement animal for any veterinary bills and out-of-pocket costs incurred as a result of the injury to the service dog or law enforcement animal; and
 (b) The person, entity, or organization that incurs the cost of retraining or replacing the service dog or law enforcement animal for the cost of retraining or replacing the service dog or law enforcement animal, if it is disabled or killed.

~~[(3)]~~ (5) Nothing in this section is intended to affect any civil remedies available for a violation of this section.

~~[(4)]~~ (6) As used in this section, “service dog” shall have the same meaning as in section 347-2.5.”

SECTION 4. Section 711-1110, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

“Law enforcement animal” means any dog, horse, or other animal used by law enforcement or corrections agencies and trained to work in areas of tracking, suspect apprehension, victim assistance, crowd control, or drug or explosive detection for law enforcement purposes.”

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.

ACT 205

SECTION 7. This Act shall take effect upon its approval.
(Approved June 26, 2013.)