

ACT 209

S.B. NO. 9

A Bill for an Act Relating to Animals.

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

SECTION 1. The legislature finds that persons who are cruel to one animal may commit cruel acts to other animals and, as such, it is necessary to ensure that persons convicted of cruelty to animals are restricted from owning and possessing additional animals for a period of time.

Act 262, Session Laws of Hawaii 1985, relating to forfeiture of animals for cruelty to animals (enacted as section 711-1110.5, Hawaii Revised Statutes), provides in pertinent part that the court may order the defendant to surrender or forfeit the animal whose treatment was the basis of the conviction or plea, as well as any other animals under the possession, custody, or control of the defendant, to the custody of a duly incorporated humane society or duly incorporated society for the prevention of cruelty to animals. The intent of Act 262 is to temporarily protect abused animals from further harm.

Notwithstanding Act 262, there have been numerous instances where defendants who have been convicted of a cruelty to animals offense, in some cases involving dozens of animals, have been allowed to continue to own animals and to sometimes sell the animals for profit.

More than thirty states have enacted laws to prohibit the possession of, owning of, or residing with animals upon conviction of a cruelty to animals offense.

The purpose of this Act is to prohibit any person convicted of cruelty to animals in the first degree from possessing or owning any pet animal and equine animal for a minimum of five years from the date of conviction.

SECTION 2. Section 711-1108.5, Hawaii Revised Statutes, is amended by amending subsection (5) to read as follows:

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“(5) Cruelty to animals in the first degree is a class C felony. In addition to any fines and imprisonment imposed under this section, any person convicted under this section shall be prohibited from possessing or owning any pet animal or equine animal for a minimum of five years from the date of conviction.

For the purposes of this section, “person” means any individual; any firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, or syndicate; or any other legal entity.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 5. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 26, 2013.)