

ACT 30

S.B. NO. 189

A Bill for an Act Relating to Dog Bites.

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

SECTION 1. The legislature finds that dog bites are among the top reasons for emergency room visits, ranking higher than injuries occurring on motorcycles, to pedestrians, and from gunshots. According to a 2018 study, an average of over 4.6 million people in the United States each year are admitted into the emergency department as a result of a dog bite. Many dog bite victims are children.

The legislature further finds that the current state law only allows a dog bite victim standing in district court if it can be proven to the court that the dog has bitten and injured a person on at least two separate occasions. However, the

legislature notes there is no systematic tracking system for dog bites in the State and many dog bite incidents go unreported.

Therefore, the purpose of this Act is to allow a person who has been bitten by a dog to bring legal action against the dog's owner without having to prove that the dog has bitten a person on two separate occasions.

SECTION 2. Section 142-75, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Whenever a dog has bitten a human being ~~[on at least two separate occasions]~~ under circumstances for which none of the exceptions specified in section 663-9.1 apply, any person may bring an action against the owner of the dog in the district court of the judicial circuit in which the owner resides, to determine whether conditions of the treatment or confinement of the dog or other circumstances existing at the time of the bite or bites have been changed so as to remove the danger to other persons presented by ~~[such]~~ the animal. The court, after hearing, may make any order it deems appropriate to prevent the recurrence of such an incident, including but not limited to the removal of the animal from the area or its destruction by its owner. In making its decision, the court may consider:

- (1) The vicious or dangerous propensities of the animal;
- (2) The ability of the owner to adequately confine or remove the animal; and
- (3) The necessity of any destruction of an animal in light of the health, safety, and welfare of the community.

This section shall not preclude any existing common law remedies.”

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 Statutory material to be repealed is bracketed and stricken.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

SECTION 4. This Act shall take effect upon its approval.

(Approved June 7, 2021.)