
A BILL FOR AN ACT

RELATING TO SECTION 711-1109, HAWAII REVISED STATUTES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 711-1109, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (1) to read:

"(1) A person commits the offense of cruelty to animals in the second degree if the person intentionally, knowingly, or recklessly:

- (a) Overdrives, overloads, tortures, torments, beats, causes substantial bodily injury to, or starves any animal, or causes the overdriving, overloading, torture, torment, beating, or starving of any animal;
- (b) Deprives a pet animal of necessary sustenance or causes ~~such~~ that deprivation;
- (c) Mutilates, poisons, or kills without need any animal other than insects, vermin, or other pests; provided that the handling or extermination of any insect, vermin, or other pest is conducted in accordance with standard and acceptable pest control practices and all applicable laws and regulations;
- (d) Keeps, uses, or in any way is connected with or interested in the management of, or receives money for the admission

of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, cock, or other animal, and includes every person who encourages, aids, or assists therein, or who permits or suffers any place to be so kept or used;

- (e) Carries or causes to be carried, in or upon any vehicle or other conveyance, any animal in a cruel or inhumane manner;
- (f) Confines or causes to be confined, in a kennel or cage, any pet animal in a cruel or inhumane manner;

- (g) Tethers, fastens, ties, or restrains a dog to a doghouse, tree, fence, or any other stationary object ~~[by]~~, or uses a trolley, trolley with swivels, pulley, cable, or uses a running line, or a trolley lacking swivels at each end that is designed to attach a dog to two stationary objects in a configuration that endangers the dog, including preventing the dog from obtaining necessary sustenance, provided that:

- (i) No dog under the age of six months shall be tethered or restrained unless the dog is engaged in an activity supervised by its owner or an agent of its owner;

- ~~(ii) No dog shall be tethered or restrained by a tow or log chain; and If the dog is under the age of six months unless the dog is engaged in a supervised activity;~~

- ~~(ii) In a configuration that repeatedly entangles or otherwise endangers the dog;~~

- ~~(iii) If the tether is shorter than ten feet in length, unless the dog is engaged in a supervised activity;~~

~~(iv) If the tether is a tow or log chain or is disproportionate to the size or weight of the dog such that the restraint inhibits the free movement of the dog within the area allowed by the tether; or~~

~~(v) No dog shall be tethered or restrained by means of a choke collar, pinch collar, or prong collar; provided that a person is not prohibited from using [such restraints] a choke collar, pinch collar, or prong collar when walking a dog with a hand-held leash or while a unless the dog is engaged in a supervised an activity supervised by its owner or an agent of its owner; or~~

(h) Assists another in the commission of any act specified in subsections (1) (a) through (1) (g)."

2. By amending subsection (4) to read:

"(4) Cruelty to animals in the second degree is a misdemeanor, except [where] that if the offense involves ten or more pet animals in any one instance [which], then cruelty to animals in the second degree is a class C felony. In addition to or in lieu of any penalty authorized for a person convicted of an offense under this section, the court may assess fines, order performance of community service, require mental health counseling, or order attendance at educational classes concerning animal abuse prevention."

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 upon its approval.

INTRODUCED BY: _____

Report Title:

Cruelty to Animals; Restraints; Penalties

Description:

Prohibits certain restraints and tethers that endanger, or deny sustenance, to a dog. Authorizes the court to assess fines, order performance of community service, require mental health counseling, or order attendance at educational classes concerning animal abuse prevention in addition to or in lieu of other penalties.

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