
SENATE CONCURRENT RESOLUTION

REQUESTING THE GOVERNOR TO ESTABLISH A TASK FORCE ON HUMANE
RESTRAINT AND CONFINEMENT OF PET ANIMALS.

1 WHEREAS, the humane treatment of animals is a reflection of
2 society; and
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4 WHEREAS, during each legislative session, citizens come
5 forward to seek the introduction of legislation prohibiting acts
6 of cruelty and neglect toward animals to address situations that
7 have arisen in their communities; and
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9 WHEREAS, the Supplemental Commentary on sections 711-1109
10 to 711-1110, Hawaii Revised Statutes, provides, in part:
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12 "Act 173, Session Laws 1998, amended §711-1109 to
13 provide that depriving pet animals of necessary sustenance
14 constitutes the crime of cruelty to animals. The
15 legislature noted that the statute identified only those
16 acts which were the most heinous and extreme, such as
17 beating, mutilation, poisoning, starvation, and torture.
18 However, on a daily basis, less overt acts such as daily
19 neglect also resulted in the inhumane treatment of animals.
20 Thus, the legislature agreed that pet animals deserved a
21 minimum level of care including adequate food, water, and
22 shelter. Senate Standing Committee Report No. 87."; and
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24 WHEREAS, a review of state laws on the treatment of these
25 "less overt acts" of animal cruelty is timely and appropriate;
26 and
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28 WHEREAS, the definition of "necessary sustenance" in
29 section 711-1100, Hawaii Revised Statutes, while requiring
30 adequate space and reasonable cleanliness for the animal's
31 health, is silent on how long a pet animal may be confined in a
32 cage, how the type of pet animal dictates what may be an
33 acceptable manner and duration of confinement in a cage, or how

1 the duration of confinement affects the adequacy of space
2 necessary for the health of the animal; and

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4 WHEREAS, present law allows dogs to be tethered to a
5 stationary object for twenty-four hours a day, seven days a
6 week, as long as the tether is at least six feet long; and

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8 WHEREAS, a tether can become tangled around a dog or hooked
9 on the dog's shelter or other objects, further restricting the
10 dog's movement and potentially causing injury; and

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12 WHEREAS, a number of measures introduced in the Regular
13 Session of 2009 sought to create new misdemeanor offenses
14 prohibiting various inhumane forms of restraint or confinement,
15 including tethering, fastening, chaining, tying, kenneling, or
16 caging; and

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18 WHEREAS, these measures include:

- 19
20 (1) Senate Bill No. 1222, Relating to the Humane Treatment
21 of Pet Animals, which proposed a new misdemeanor
22 offense prohibiting confinement of a pet animal in a
23 cage on public property for more than four hours, with
24 some excepted circumstances, and decreased the
25 specified number of dogs or cats deprived of necessary
26 sustenance necessary to constitute the offense of
27 animal hoarding;
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29 (2) Senate Bill No. 30, Relating to Animals, which
30 proposed a new misdemeanor offense of dog tethering
31 applicable to a person who tethers, fastens, chains,
32 ties, or otherwise restrains a dog to a dog house,
33 tree, fence, or other stationary object;
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35 (3) Senate Bill No. 488, Relating to Animal Cruelty, which
36 proposed to add a new subsection to section 711-1109,
37 Hawaii Revised Statutes, applicable to a person who
38 tethers, fastens, chains, ties, or otherwise restrains
39 a companion animal for longer than a reasonable period
40 of time to complete a temporary task, or for any
41 amount of time in which the tether, fastener, chain,
42 tie, or other restraint causes actual harm, or in a
43 manner that endangers the animal's health, safety, or

1 well-being or inflicts emotional distress upon the
2 animal; and

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4 (4) Senate Bill No. 1188, Relating to Animals, which
5 proposed to create three new subsections in section
6 711-1109, Hawaii Revised Statutes, applicable to a
7 person who: tethers, fastens, chains, ties, or
8 otherwise restrains a dog or cat for an unreasonable
9 period of time or in a manner that unreasonably limits
10 movement; tethers, fastens, chains, ties, restrains,
11 kennels, or cages a dog or cat in any manner that
12 exposes the animal to unsafe conditions; or tethers,
13 fastens, chains, ties, restrains, kennels or cages a
14 dog or cat in any manner that causes exposure without
15 shelter during periods of hazardous weather; and
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17 WHEREAS, these measures demonstrate the need for
18 comprehensive legislation regarding the restraint and
19 confinement of pet animals that would not only meet the needs of
20 the community but would consider the unique differences among
21 the counties with regard to enforcement capabilities; now,
22 therefore,
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24 BE IT RESOLVED by the Senate of the Twenty-fifth
25 Legislature of the State of Hawaii, Regular Session of 2009, the
26 House of Representatives concurring, that the Governor is
27 requested to establish a Task Force on Humane Restraint and
28 Confinement of Pet Animals, to examine the issues raised during
29 the Regular Session of 2009 by Senate Bill No. 1222, S.D. 1,
30 Senate Bill No. 30, S.D. 1, Senate Bill No. 488, and Senate Bill
31 No. 1188; and
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33 BE IT FURTHER RESOLVED that the membership of the task
34 force would most appropriately include individuals recommended
35 by the Chairpersons of the Senate Committee on Judiciary and
36 Government Operations and the House Committee on Judiciary, as
37 well as representatives of the following agencies and
38 organizations, all of whom would be requested by the Governor to
39 serve on the taskforce: prosecutor's office of each county;
40 police department of each county; public defender's office;
41 Hawaiian Humane Society; Hawaii Island Humane Society; Kauai
42 Humane Society; Maui Humane Society; The Humane Society of the
43 United States, Hawaii Chapter; Animal Advocates, Inc.; West

1 Hawaii Humane Society; Animal Rights Hawaii; and Oahu Society
2 for the Prevention of Cruelty to Animals; and
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4 BE IT FURTHER RESOLVED that the task force is requested to
5 submit a report of its findings and recommendations to this body
6 no later than twenty days prior to the convening of the 2010
7 Regular Session; and
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9 BE IT FURTHER RESOLVED that the task force is requested to
10 include in its report:
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- 12 (1) A recommendation for comprehensive legislation
13 relating to restraint and confinement standards for
14 pet animals;
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- 16 (2) Issues with and solutions for the enforcement of the
17 recommended legislation;
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- 19 (3) Suggested amendments to the definition of "necessary
20 sustenance" as it relates to "area of confinement" or
21 any additional definitions, as appropriate, in section
22 711-1100, Hawaii Revised Statutes; and
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- 24 (4) Any dissenting opinions among task force members to
25 the recommended legislation; and
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27 BE IT FURTHER RESOLVED that the Judiciary is requested to
28 provide administrative assistance to the task force; and
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30 BE IT FURTHER RESOLVED that certified copies of this
31 Concurrent Resolution be transmitted to the Governor; the
32 Administrative Director of the Courts; the Prosecutor of each
33 county; the Chief of Police of each county; the Public Defender;
34 the President of the following entities: Hawaiian Humane
35 Society; Hawaii Island Humane Society; Kauai Humane Society; and
36 Maui Humane Society; Animal Advocates, Inc.; West Hawaii Humane
37 Society; Oahu Society for the Prevention of Cruelty to Animals;
38 and Animal Rights Hawaii.