
A BILL FOR AN ACT

RELATING TO ANIMAL CRUELTY.

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

1 SECTION 1. Section 711-1108.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§711-1108.5 Cruelty to animals in the first degree.** (1)

4 A person commits the offense of cruelty to animals in the first
5 degree if the person intentionally or knowingly [~~tortures~~]:

6 (a) Tortures, mutilates, or poisons or causes the torture,
7 mutilation, or poisoning of any pet animal or equine
8 animal resulting in serious bodily injury or death of
9 the pet animal or equine animal[~~+~~]; or

10 (b) Kills or attempts to kill any pet animal belonging to
11 another person, without first obtaining legal
12 authority or the consent of the pet animal's owner.

13 (2) Subsection [~~(1)~~] (1)(a) shall not apply to:

14 (a) Accepted veterinary practices;

15 (b) Activities carried on for scientific research governed
16 by standards of accepted educational or medicinal
17 practices; or

18 (c) Cropping or docking as customarily practiced.



- 1 (3) Subsection (1)(b) shall not apply to:
- 2 (a) Humane euthanasia of any animal by an animal control
3 officer, duly incorporated humane society, duly
4 incorporated society for the prevention of cruelty to
5 animals, or duly authorized governmental agency; or
- 6 (b) Conduct which the actor believes to be necessary to
7 avoid an imminent harm or evil to the actor or to
8 another; provided that the harm or evil sought to be
9 avoided by such conduct is greater than that sought to
10 be prevented by this section and is justifiable as
11 provided in section 703-302 for choice of evils.

12 ~~(3)~~ (4) Whenever any pet animal or equine animal is so
13 severely injured that there is no reasonable probability that
14 its life can be saved, the animal may be immediately destroyed
15 without creating any offense under this section.

16 ~~(4)~~ (5) Cruelty to animals in the first degree is a class
17 C felony."

18 SECTION 2. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



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 Statutory material to be repealed is bracketed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

3 SECTION 4. This Act shall take effect on July 1, 2011.



Report Title:
Animal Cruelty

Description:
Provides that killing, or attempting to kill, the pet animal of another person without that person's consent constitutes animal cruelty in the first degree. Adds certain exceptions to animal cruelty in the first degree. Effective July 1, 2011. (SB1068 HD1)

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