

Honolulu, Hawaii

APR 28 2011

, 2011

RE: S.B. No. 1068
S.D. 1
H.D. 1
C.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1068, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to expand the offense of cruelty to animals in the first degree to include:

- (1) Torturing any pet animal or equine animal that results in serious bodily injury or death to the pet animal or equine animal;
- (2) Killing or attempting to kill any pet animal belonging to another person without first obtaining legal authority or the consent of the pet animal's owner; and



- (3) Exempting from the prohibition in paragraph (2) the humane euthanasia of an animal or conduct that the actor believes to be necessary to avoid an imminent harm or evil to the actor or to another.

Your Committee on Conference finds that this measure will create stronger protections for pet animals from abuse and cruelty. Your Committee on Conference, however, recognizes that humane treatment and safeguarding of pet animals must be balanced with practical exceptions for emergencies, including the protection of pet animals or livestock from other animals. Your Committee on Conference acknowledges that this measure may be improved in those areas.

Humane treatment of pet animals includes the use of proper techniques when euthanizing an animal to minimize pain, distress, and anxiety experienced by the animal. Your Committee on Conference believes that inserting the requirement that humane euthanasia of an animal be performed in accordance with American Veterinary Medical Association accepted standards will help ensure that euthanasia, when necessary, is carried out in a manner that avoids pain to and stress on the animal.

Additionally, although the measure allows persons to protect themselves or others from imminent harm from an animal, your Committee on Conference believes that this exemption should extend to a person who uses reasonable force against an animal in order to defend or protect the person, another person, or another animal. With this extension, the owner of livestock or a pet may respond to an animal attack on the owner's livestock or pet without risk of prosecution.

Accordingly, your Committee on Conference has amended this measure by:

- (1) Requiring euthanasia of pet animals to be performed in accordance with American Veterinary Medical Association accepted standards; and
- (2) Extending the justification for a choice of evils under section 703-302, Hawaii Revised Statutes, to include the protection of animals.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of



S.B. No. 1068, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1068, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE


GILBERT KEITH-AGARAN, Chair

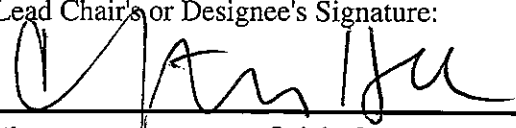
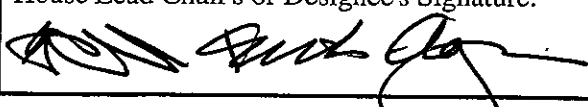

CLAYTON HEE, Chair


MAILE SHIMABUKURO, Co-Chair



Hawaii State Legislature

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 1068, SD 1, HD 1					Date/Time: 4/26/11 3:15 pm						
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).											
<input type="checkbox"/> The Committee is reconsidering its previous decision.											
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.						
Senate Managers		A	WR	N	E	House Managers		A	WR	N	E
HEE, Clayton, Chr.		✓	✓			KEITH-AGARAN, Gilbert S.C., Chr.		✓	✓		
SHIMABUKURO, Maile S.L., Co-Chr.		✓				ITO, Ken		✓			
SLOM, Sam					✓	LUKE, Sylvia					✓
						SOUKI, Joseph M.					✓
						THIELEN, Cynthia			✓		✓
TOTAL		2	0	0	1	TOTAL		2	1	0	2
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused				
Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted						
Senate Lead Chair's or Designee's Signature: 					House Lead Chair's or Designee's Signature: 						
Distribution:		Original File with Conference Committee Report			Yellow House Clerk's Office		Pink Senate Clerk's Office		Goldenrod Drafting Agency		