
A BILL FOR AN ACT

RELATING TO ANIMAL FORFEITURE.

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

1 SECTION 1. The legislature finds that the final
2 disposition of rescued animals can be delayed while preparing
3 for a criminal case, especially when large numbers of animals
4 are involved. The delay imposes extraordinary costs and strains
5 upon the humane society that is tasked with the care of the
6 animals; postpones the full recovery of the animals that are
7 being held unnecessarily; and prevents the adoption of the
8 animals.

9 The purpose of this Act is to clarify that an incorporated
10 humane society or incorporated society for the prevention of
11 cruelty to animals may petition the court for the forfeiture of
12 an impounded animal prior to the filing or disposition of
13 criminal charges against the owner of the animal that arise from
14 circumstances supporting the impoundment.

15 SECTION 2. Section 711-1109.2, Hawaii Revised Statutes, is
16 amended by amending subsection (1) to read as follows:



1 "(1) If any pet animal or equine animal is impounded
2 pursuant to section 711-1109.1, prior to filing of, or final
3 disposition of a criminal charge under section 711-1108.5, 711-
4 1109, 711-1109.3, or 711-1109.35, as applicable, against the pet
5 animal's or equine animal's owner, any duly incorporated humane
6 society or duly incorporated society for the prevention of
7 cruelty to animals that is holding the pet animal or equine
8 animal may file a petition, in [~~the criminal action~~] the court
9 that would have jurisdiction over the criminal case when
10 criminal charges are filed, requesting that the court issue an
11 order for forfeiture of the pet animal or equine animal to the
12 county or to the duly incorporated humane society or duly
13 incorporated society for the prevention of cruelty to animals
14 prior to filing of, or final disposition of [~~the~~] any criminal
15 charge[-] that may arise from the circumstances supporting the
16 impoundment. The petitioner shall serve a true copy of the
17 petition upon the [~~defendant~~] owner or custodian of the
18 impounded animal and the prosecuting attorney."

19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Animal Forfeiture; Humane Societies

Description:

Permits incorporated societies for the protection of animals to petition for full custody of impounded animals prior to filing or final disposition of criminal charges against the owner of the animals that arise from circumstances supporting the impoundment. (HB1516 HD1)

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