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# A BILL FOR AN ACT

RELATING TO ANIMAL CRUELTY.

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

1           SECTION 1. The legislature finds that Hawaii has the  
2 highest percentage of endemic species of any state in the  
3 country, which also happens to be one of the highest rates found  
4 anywhere in the world. The federal Endangered Species Act of  
5 1973 and chapter 195D, Hawaii Revised Statutes, ensure the  
6 perpetuation of aquatic life, wild life, and land plants and  
7 their habitats by listing as endangered or threatened certain  
8 species of aquatic life, wild life, and land plants, some of  
9 which are indigenous to Hawaii, for protection and conservation.

10           However, there are indigenous species that are not deemed  
11 endangered or threatened under the Endangered Species Act of  
12 1973 and chapter 195D, Hawaii Revised Statutes. As a result,  
13 some Hawaii indigenous species are not afforded the same federal  
14 and state protections as those listed species. For example, the  
15 Laysan albatross is listed under state administrative rules as  
16 an indigenous bird to Hawaii, but is not deemed an endangered or  
17 threatened species under the Endangered Species Act of 1973 and



1 chapter 195D, Hawaii Revised Statutes. In light of the deaths  
2 of several albatross at Kaena Point in December 2015, the  
3 legislature recognizes the need for heightened legal protections  
4 for Hawaii's indigenous birds specifically.

5 The purpose of this Act is to provide further protections  
6 for indigenous birds by amending the offense of cruelty to  
7 animals in the first degree to include indigenous birds.

8 SECTION 2. Section 711-1100, Hawaii Revised Statutes, is  
9 amended by adding a new definition to be appropriately inserted  
10 and to read as follows:

11 ""Indigenous bird" means any species of birds occurring or  
12 living naturally in Hawaii without having been brought to Hawaii  
13 by humans."

14 SECTION 3. Section 711-1108.5, Hawaii Revised Statutes, is  
15 amended as follows:

16 1. By amending subsection (1) to read:

17 "(1) A person commits the offense of cruelty to animals in  
18 the first degree if the person intentionally or knowingly:

19 (a) Tortures, mutilates, or poisons or causes the torture,  
20 mutilation, or poisoning of any pet animal or equine



1 animal resulting in serious bodily injury or death of  
2 the pet animal or equine animal; [~~or~~]

3 (b) Kills or attempts to kill any pet animal belonging to  
4 another person, without first obtaining legal  
5 authority or the consent of the pet animal's owner[~~or~~];

6 or

7 (c) Tortures, mutilates, or poisons, or assists another in  
8 or causes the torture, mutilation, or poisoning of two  
9 or more indigenous birds."

10 2. By amending subsection (4) to read:

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

16 SECTION 4. This Act does not affect rights and duties that  
17 matured, penalties that were incurred, and proceedings that were  
18 begun before its effective date.

19 SECTION 5. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 6. This Act shall take effect on January 7, 2059.



**Report Title:**

Animal Cruelty; Indigenous Birds

**Description:**

Amends the offense of cruelty to animals in the first degree to include indigenous birds. Takes effect on 1/7/2059. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

