
A BILL FOR AN ACT

RELATING TO SECTION 711-1109, HAWAII REVISED STATUTES.

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

1 SECTION 1. Section 711-1109, Hawaii Revised Statutes, is
2 amended as follows:

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

4 "(1) A person commits the offense of cruelty to animals in
5 the second degree if the person intentionally, knowingly, or
6 recklessly:

7 (a) Overdrives, overloads, tortures, torments, beats,
8 causes substantial bodily injury to, or starves any
9 animal, or causes the overdriving, overloading,
10 torture, torment, beating, or starving of any animal;

11 (b) Deprives a pet animal of necessary sustenance or
12 causes [~~such~~] that deprivation;

13 (c) Mutilates, poisons, or kills without need any animal
14 other than insects, vermin, or other pests; provided
15 that the handling or extermination of any insect,
16 vermin, or other pest is conducted in accordance with



- 1 standard and acceptable pest control practices and all
2 applicable laws and regulations;
- 3 (d) Keeps, uses, or in any way is connected with or
4 interested in the management of, or receives money for
5 the admission of any person to, any place kept or used
6 for the purpose of fighting or baiting any bull, bear,
7 cock, or other animal, and includes every person who
8 encourages, aids, or assists therein, or who permits
9 or suffers any place to be so kept or used;
- 10 (e) Carries or causes to be carried, in or upon any
11 vehicle or other conveyance, any animal in a cruel or
12 inhumane manner;
- 13 (f) Confines or causes to be confined, in a kennel or
14 cage, any pet animal in a cruel or inhumane manner;
- 15 (g) Tethers, fastens, ties, or restrains a dog to a
16 doghouse, tree, fence, or any other stationary object
17 [by], or uses a trolley, pulley, cable, or running
18 line designed to attach a dog to two stationary
19 objects:
- 20 (i) If the dog is under the age of six months unless
21 the dog is engaged in a supervised activity;



- 1 (ii) In a configuration that:
- 2 (A) Entangles or endangers the dog; or
- 3 (B) Prevents the dog from obtaining necessary
- 4 sustenance;
- 5 (iii) If the tether is shorter than ten feet in length,
- 6 unless the dog is engaged in a supervised
- 7 activity;
- 8 (iv) If the restraint is a tow or log chain or is
- 9 disproportionate to the size or weight of the dog
- 10 such that the restraint inhibits the free
- 11 movement of the dog within the area allowed by
- 12 the tether; or
- 13 (v) By means of a choke collar, pinch collar, or
- 14 prong collar; provided that a person is not
- 15 prohibited from using [~~such restraints~~] a choke
- 16 collar, pinch collar, or prong collar when
- 17 walking a dog with a hand-held leash or while a
- 18 dog is engaged in a supervised activity; or
- 19 (h) Assists another in the commission of any act specified
- 20 in subsections (1) (a) through (1) (g) [-]; provided that
- 21 a person who is convicted of assisting another in the



1 commission of an act specified in subsection (1)(g)
2 shall be sentenced pursuant to subsection (4)(b). As
3 used in this subsection, "assist" means to instigate,
4 engage in, or further the commission of an act
5 prohibited under this section."

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

7 "(4) Cruelty to animals in the second degree is a
8 misdemeanor, except [where] that if the offense [involves]:

9 (a) Involves ten or more pet animals in any one instance
10 [which], then cruelty to animals in the second degree
11 is a class C felony[-]; or

12 (b) Involves nine or fewer pet animals in any one instance
13 and involves an act prohibited under subsection
14 (1)(g), then the defendant shall be guilty of a petty
15 misdemeanor and shall be sentenced as follows, in
16 addition to any other penalties the court may impose:

17 (i) For a first offense under subsection (1)(g):

18 (A) Payment of a fine of not more than \$500 for
19 each abused animal;

20 (B) If deemed appropriate by the court,
21 completion of educational classes in animal



1 abuse prevention; provided that the court
2 shall not order classes under this paragraph
3 if classes are not readily available from an
4 animal welfare organization or a similar
5 appropriate organization designated by the
6 county in which the underlying offense
7 occurred; and

8 (C) If deemed appropriate by the court,
9 submission to any available mental health
10 assessment and recommended treatment; or

11 (ii) For a second or subsequent offense under
12 subsection (1) (g):

13 (A) Payment of a fine of not more than \$500 for
14 each abused animal;

15 (B) Completion of sixteen hours of community
16 service; and

17 (C) Imprisonment of no less than two days;

18 provided that, notwithstanding section 706-643(2), all
19 finest collected under this paragraph shall be paid to
20 the director of finance of the county in which the



1 underlying offense occurred, as a general fund
2 realization of that county."

3 SECTION 2. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect on July 1, 2150.



Report Title:

Cruelty to Animals; Restraints; Penalties

Description:

Prohibits certain restraints and tethers that endanger, or deny sustenance, to a dog. Specifies penalties. (HB2072 HD2)

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