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# 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 repeatedly entangles or  
2                   otherwise endangers the dog;

3           (iii) If the tether is shorter than ten feet in length,  
4                   unless the dog is engaged in a supervised  
5                   activity;

6           (iv) If the tether is a tow or log chain or is  
7                   disproportionate to the size or weight of the dog  
8                   such that the restraint inhibits the free  
9                   movement of the dog within the area allowed by  
10                  the tether; or

11           (v) By means of a choke collar, pinch collar, or  
12                   prong collar; provided that a person is not  
13                   prohibited from using [~~such restraints~~] a choke  
14                   collar, pinch collar, or prong collar when  
15                   walking a dog with a hand-held leash or while a  
16                   dog is engaged in a supervised activity; or

17           (h) Assists another in the commission of any act specified  
18                   in subsections (1)(a) through (1)(g)."

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

20           "(4) Cruelty to animals in the second degree is a  
21           misdemeanor, except ~~where~~ that if the offense involves ten or



1 more pet animals in any one instance [~~which~~], then cruelty to  
2 animals in the second degree is a class C felony. In addition  
3 to or in lieu of any penalty authorized for a person convicted  
4 of an offense under this section, the court may assess fines,  
5 order performance of community service, require mental health  
6 counseling, or order attendance at educational classes  
7 concerning animal abuse prevention."

8 SECTION 2. This Act does not affect rights and duties that  
9 matured, penalties that were incurred, and proceedings that were  
10 begun before its effective date.

11 SECTION 3. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect on July 1, 2035.



**Report Title:**

Cruelty to Animals; Restraints; Penalties

**Description:**

Prohibits certain restraints and tethers that endanger, or deny sustenance, to a dog. Authorizes the court to assess fines, order performance of community service, require mental health counseling, or order attendance at educational classes concerning animal abuse prevention in addition to or in lieu of other penalties. Effective 7/1/2035. (SD1)

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

