Honolulu, Hawaii

APR 05 , 2018

RE: S.B. No. 2461

S.D. 1 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Twenty-Ninth State Legislature Regular Session of 2018 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2461, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SERVICE ANIMALS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish a civil penalty for knowingly misrepresenting an animal as a service animal; and
- (2) Conform Hawaii law with the definition of "service animal" under the Americans with Disabilities Act of 1990.

The County of Hawai'i Office of the Mayor, Hawaii Fi-Do Service Dogs, Hawaii Food Industry Association, Associa, Hawaii Disability Rights Center, and many individuals testified in support of this measure. The Hawai'i Civil Rights Commission and two individuals testified in opposition. The Department of the Attorney General, Disability and Communication Access Board, Department of Human Services, and National Federation of the Blind provided comments.

Your Committee has amended this measure by:

- (1) Amending the proposed civil penalty for knowingly misrepresenting an animal as a service animal to:
 - (A) Change the minimum and maximum amounts for fines to unspecified amounts; and
 - (B) Require a finding by clear and convincing evidence for the imposition of fines; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2461, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2461, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

SCOTT Y. NISHIMOTO, Chair

State of Hawaii House of Representatives The Twenty-ninth Legislature

HSCR 1883-18

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB2461 SD1	Committee Referral: JUD		Date: 04/04/18	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. NISHIMOTO, Scott Y. (C)				
2. SAN BUENAVENTURA, Jo	oy A. (VC)			
3. BROWER, Tom				
4. LEE, Chris	## (
5. MORIKAWA, Dee				
6. TAKAYAMA, Gregg				
7. McDERMOTT, Bob				
7. WEDERWOTT, BOD				
8. THIELEN, Cynthia				
-				
		1		
				1
TOTAL (8)				
The recommendation is: Adopted				
Vice Chair's or designee's signature:				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				