

JAN 17 2018

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 violence, whether
2 against humans or animals, must not be tolerated in our society.
3 To the extent that acts of cruelty to one animal has been linked
4 to cruelty to other animals and violence against humans, it is
5 necessary to ensure that persons convicted of cruelty to animals
6 are restricted from interacting with animals.

7 The purpose of this Act is to:

- 8 (1) Require individuals convicted of animal abuse crimes
9 to register as such, in order to prevent animal
10 abusers from adopting, purchasing, or working closely
11 with animals;
- 12 (2) Require animal shelters, pet stores, animal breeders,
13 zoos, and aquariums to check to see if an individual
14 has been convicted of animal cruelty; and
- 15 (3) Require police officer training on identifying and
16 investigating animal abuse.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 REGISTRATION OF ANIMAL ABUSERS

6 § -1 Definitions. As used in this chapter, unless the
7 context otherwise requires:

8 "Animal abuse" means an offense that is set forth in
9 section 711-1108.5 or 711-1109, or the comparable animal cruelty
10 statutes in any other state.

11 "Animal abuser" means a person who is or has been convicted
12 of animal abuse.

13 "Animal breeder" means any entity engaged in the practice
14 of facilitating the reproduction of animals for the purpose of
15 distributing the resulting offspring to one or more other
16 individuals or entities.

17 "Animal shelter" means a public or privately owned
18 organization including, but not limited to, any duly
19 incorporated humane society, pound, animal protective
20 association or animal rescue group which maintains buildings,
21 structures, or other property for the purpose of harboring



1 animals which may be stray, unwanted, lost, abandoned, or abused
2 and seeks to find appropriate temporary or permanent homes for
3 such animals.

4 "Attorney general" means the attorney general of the State
5 of Hawaii, the department of the attorney general, or an
6 authorized representative of the attorney general.

7 "Conviction" means a judgment on the verdict, or a finding
8 of guilt after a plea of guilty or nolo contendere, excluding
9 the adjudication of a minor, and occurs on the date judgment is
10 entered.

11 "Out-of-state conviction" means a conviction in any other
12 state of the United States, the District of Columbia, or the
13 five principal United States territories, including the
14 Commonwealth of Puerto Rico, Guam, American Samoa, the Northern
15 Mariana Islands, and the United States Virgin Islands.

16 "Permanent residence" means a building, permanent structure
17 or unit therein, or watercraft where the animal abuser resides
18 and intends to reside indefinitely, or at least for the next one
19 hundred eighty days, and which the animal abuser owns, rents, or
20 occupies with the consent of the owner.



1 "Pet store" means any place or premise where birds,
2 mammals, or reptiles are kept for the purpose of sale at either
3 wholesale or retail, import, export, barter, exchange, or gift.

4 "Registration information" means the information specified
5 in section -2(c).

6 "Release" means release from:

7 (1) Imprisonment;

8 (2) Imprisonment and placed on parole;

9 (3) Imprisonment and placed on furlough;

10 (4) Any form of commitment, custody, or confinement
11 resulting from an order made pursuant to chapter 704;

12 or

13 (5) A halfway house or other equivalent facility,

14 whichever is later.

15 "Temporary residence" means a building, permanent structure
16 or unit therein, watercraft, emergency shelter, or transitional
17 housing facility where the animal abuser resides, but does not
18 intend to reside for more than one hundred eighty days.

19 **§ -2 Registration requirements.** All animal abusers
20 shall register with the attorney general and comply with the
21 provisions of this chapter for life or for a shorter period of



1 time as provided in this chapter. Registration under this
2 subsection is required whenever the animal abuser, whether or
3 not a resident of this State, remains in this State for more
4 than ten days or for an aggregate period exceeding thirty days
5 in one calendar year. An animal abuser shall be eligible to
6 petition the court in a civil proceeding for an order that the
7 animal abuser's registration requirements under this chapter be
8 terminated, as provided in section -8.

9 (b) A person who establishes or maintains a residence in
10 this State and who has not been designated as an animal abuser
11 by a court of this State but who has been designated as an
12 animal abuser in another state or jurisdiction and was, as a
13 result of such designation, subjected to registration or
14 community or public notification, or both, or would be if the
15 person was a resident of that state or jurisdiction, without
16 regard to whether the person otherwise meets the criteria for
17 registration as an animal abuser, shall register in the manner
18 provided in this section. A person who meets the criteria of
19 this subsection is subject to the requirements and penalty
20 provisions of section -4 until the person successfully



1 petitions the attorney general for termination of registration
2 requirements by:

3 (1) Providing an order issued by the court that designated
4 the person as an animal abuser designation in the
5 state or jurisdiction in which the order was issued,
6 which states that such designation has been removed or
7 demonstrates to the attorney general that such
8 designation, if not imposed by a court, has been
9 removed by operation of law or court order in the
10 state or jurisdiction in which the designation was
11 made, and such person does not meet the criteria for
12 registration as an animal abuser under the laws of
13 this State; or

14 (2) Demonstrating that the out-of-state convictions upon
15 which the animal abuser designation was established
16 are not considered animal abuse under section -1,
17 thereby showing that such person does not meet the
18 criteria for registration as an animal abuser under
19 the laws of this State.

20 If the animal abuser is not satisfied with the decision of the
21 attorney general on the request for termination of registration



1 requirements, the animal abuser may appeal the decision pursuant
2 to chapter 91.

3 (c) Registration information for each animal abuser shall
4 contain a signed statement by the animal abuser containing:

5 (1) The name, all prior names, nicknames and pseudonyms,
6 and all aliases used by the animal abuser;

7 (2) The actual address and telephone number of the animal
8 abuser's permanent residence or the address of the
9 animal abuser's current temporary residence;

10 (3) A statement listing all the offenses for which
11 registration is required, the city or town where the
12 offense occurred, the date of conviction or
13 adjudication, and the sentence imposed; and

14 (4) A current photograph of the animal abuser.

15 (d) Each animal abuser required to register with the
16 attorney general under this section shall register no later than
17 three working days after the earliest of:

18 (1) Arrival in this State;

19 (2) Release from incarceration;

20 (3) Release from commitment;

21 (4) Release on furlough;



- 1 (5) Conviction for animal abuse, unless incarcerated;
- 2 (6) Release on probation;
- 3 (7) Placement on parole; or
- 4 (8) Arrival in a county in which the animal abuser resides
- 5 or expects to be present for a period exceeding ten
- 6 days.

7 § -3 Requirement to register a change of registration
8 information. An animal abuser required to register under this
9 chapter, who changes any of the animal abuser's registration
10 information after an initial registration with the attorney
11 general, shall notify the attorney general of the new
12 registration information in writing within three working days of
13 the change. For purposes of this section, a person shall be
14 deemed to have established a new residence during any period in
15 which the person is absent from the person's registered
16 residence for or more days. If, at any time, an animal
17 abuser required to register under this chapter is absent from
18 the person's registered residence for or more days, the
19 animal abuser shall notify the attorney general in writing
20 within three working days of the animal abuser's current
21 residence information. If the animal abuser leaves the State



1 and establishes a new residence in another state that has a
2 registration requirement, the person shall register with the
3 designated law enforcement agency in the state to which the
4 person moves, within the period of time mandated by the new
5 state's animal abuse registration laws.

6 **§ -4 Failure to comply with animal abuser registration**
7 **requirements.** (a) A person commits the offense of failure to
8 comply with animal abuser registration requirements if the
9 person is required to register under this chapter and the person
10 intentionally, knowingly, or recklessly:

11 (1) Fails to register with the attorney general by
12 providing to the attorney general or the Hawaii
13 criminal justice data center the person's registration
14 information;

15 (2) Fails to notify the attorney general or the Hawaii
16 criminal justice data center of a change of any of the
17 animal abuser's registration information in writing
18 within three working days of the change;

19 (3) Provides false registration information to the
20 attorney general or the Hawaii criminal justice data
21 center;



1 (4) Signs a statement verifying that all of the
2 registration information is accurate and current when
3 any of the registration information is not
4 substantially accurate and current; or

5 (5) Having failed to establish a new residence within the
6 ten days while absent from the person's registered
7 residence for ten or more days, fails to notify the
8 attorney general in writing within three working days
9 of the animal abuser's current residence information;

10 (b) With respect to subsection (a) (1), (2), or (5), if a
11 defendant intends to rely upon the defense that the animal
12 abuser was in custody or civilly committed, the defendant shall
13 within the time provided for the filing of pretrial motions or
14 at a later time as the court may direct, notify the prosecutor
15 in writing of the defendant's intention and file a copy of the
16 notice with the court.

17 (c) Failure to comply with animal abuser registration
18 requirements is a misdemeanor.

19 § -5 **Access to registration information.** The attorney
20 general shall keep confidential and shall not publish
21 registration information, except that registration information



1 shall be made available for inspection by any animal shelter,
2 pet store, animal breeder, zoo, or aquarium in Hawaii.

3 **§ -6 Requirement to check registration information. (a)**

4 All animal shelters, pet stores, and animal breeders in Hawaii
5 shall determine whether any person seeking to purchase or adopt
6 an animal is required to comply with the registration
7 requirements of this chapter. No animal shelter, pet store, or
8 animal breeder shall knowingly offer, sell, deliver, give, or
9 provide an animal to any person who is required to comply with
10 the registration requirements of this chapter.

11 (b) All animal shelters, pet stores, animal breeders,
12 zoos, and aquariums in Hawaii shall determine whether any person
13 seeking to become an employee or volunteer is required to comply
14 with the registration requirements of this chapter. No animal
15 shelter, pet store, animal breeder, zoo, or aquarium shall
16 knowingly allow any person who is required to comply with the
17 registration requirements of this chapter to be employed by or
18 to volunteer with the entity.

19 **§ -7 Penalties. (a)** Any animal abuser who violates the
20 provisions of section 711-1108.5(5) or 711-1109(4) by possessing
21 or owning a pet animal or equine animal, or having employment or



1 serving as a volunteer at an animal shelter, pet store, animal
2 breeder, zoo, or aquarium shall be punished by a fine of not
3 less than \$.

4 (b) Any animal shelter, pet store, animal breeder, zoo, or
5 aquarium who violates the provisions of section -6 shall be
6 punished by a fine of not less than \$.

7 § -8 Termination of registration requirements. An
8 animal abuser who has substantially complied with the
9 registration requirements of this chapter for the previous
10 years and who is not a repeat animal abuser may petition the
11 court, in a civil proceeding, for the termination of
12 registration requirements."

13 SECTION 3. Chapter 52D, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§52D- Police officers; training; animal abuse and
17 animal cruelty. (a) Each police commission established
18 pursuant to section 52D-1 shall establish a training program
19 that includes courses on how to identify and investigate animal
20 abuse. Each police officer shall complete a minimum of
21 hours of training every years.



1 (b) For purposes of this section, "police officer" means
2 any public servant employed by a county, vested by law with a
3 duty to maintain public order, to make arrests for offenses, or
4 to enforce the criminal laws, whether that duty extends to all
5 offenses or is limited to a specific class of offenses."

6 SECTION 4. Section 711-1108.5, Hawaii Revised Statutes, is
7 amended by amending subsection (5) to read as follows:

8 "(5) Cruelty to animals in the first degree is a class C
9 felony. In addition to any fines and imprisonment imposed under
10 this section, any person convicted under this section shall be
11 prohibited from possessing or owning any pet animal or equine
12 animal [~~for a minimum of five years from the date of~~
13 ~~conviction.~~], or having employment or serving as a volunteer at
14 an animal shelter, pet store, animal breeder, zoo, or aquarium
15 while the person is required to comply with the registration
16 requirements in chapter _____."

17 SECTION 5. Section 711-1109, Hawaii Revised Statutes, is
18 amended by amending subsection (4) to read as follows:

19 "(4) Cruelty to animals in the second degree is a
20 misdemeanor, except where the offense involves ten or more pet
21 animals in any one instance which is a class C felony. In



1 addition to any fines and imprisonment imposed under this
 2 section, any person convicted under this section shall be
 3 prohibited from possessing or owning any pet animal or equine
 4 animal, or having employment or serving as a volunteer at an
 5 animal shelter, pet store, animal breeder, zoo, or aquarium
 6 while the person is required to comply with the registration
 7 requirements in chapter _____."

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

13 SECTION 8. This Act shall take effect upon its approval.
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Report Title:

Animal Abuser Registration; Animal Cruelty; Attorney General

Description:

Requires persons convicted of animal cruelty to register with the attorney general. Requires animal shelters, animal breeders, and pet stores to check whether an individual has been convicted of animal abuse when the individual applies to work or volunteer, or purchases or adopts an animal. Establishes penalties. Prevents persons convicted of animal cruelty from possessing, owning, or working in close proximity to animals. Requires police officers to be trained in identifying and investigating animal abuse.

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

