

STAND. COM. REP. NO. **852**

Honolulu, Hawaii

MAR 05, 2021

RE: H.B. No. 416
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 416, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SECTION 711-1109, HAWAII
REVISED STATUTES,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Amend the offense of cruelty to animals in the second degree to prohibit certain restraints and tethers that endanger or deny sustenance to a dog; and
- (2) Authorize the court to assess fines, order performance of community service, require mental health counseling, or order attendance at education classes concerning animal abuse prevention in addition to other penalties.

Your Committee received testimony in support of this measure from the Hawaiian Humane Society, Domestic Violence Hurts Animals and People, Animal Interfaith Alliance in Britain, Pono Advocacy, The Humane Society of the United States, Aloha Animal Advocates, Hawaii Association of Animal Welfare Agencies, Rainbow Friends Animal Sanctuary, and numerous individuals.

2021-2070 HB416 HD2 HSCR HMSO



Your Committee finds that constant and improper tethering or restraint puts a dog's health and safety at risk. Your Committee further finds that vagueness in existing law makes it difficult for law enforcement officers to take action before an improperly tethered or restrained dog has suffered serious injury or death. This measure establishes clear guidelines for dog owners and law enforcement officers for what constitutes proper tethering.

Your Committee has amended this measure by:

- (1) Amending the additional penalties a court may order a person convicted of an offense of cruelty to animals in the second degree to only include attendance at educational classes concerning animal abuse prevention; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 416, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 416, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature

HSCR 852

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 416, HD1	Committee Referral: AGR, JHA	Date: 2-24-21		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda				✓
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TODD, Chris	✓			
11. TOKIOKA, James Kunane				✓
12. WARD, Gene	✓			
TOTAL (12)	10	0	0	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				