



**GOV. MSG. NO. 1131**

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

June 7, 2021

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Thirty First State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirty First State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 7, 2021, the following bill was signed into law:

SB0343 SD1 HD1

RELATING TO SEXUAL ASSAULT OF AN  
ANIMAL.  
**ACT 031 (21)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

---

---

# A BILL FOR AN ACT

RELATING TO SEXUAL ASSAULT OF AN ANIMAL.

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

1           SECTION 1. The legislature finds that the sexual assault  
2 of an animal, or bestiality, is prohibited in forty-six states.  
3 While Hawaii has strong animal cruelty laws, the sexual  
4 molestation of animals by humans is not adequately addressed.  
5 Animal cruelty laws require proof of specific actions such as  
6 torture, actions that inflict bodily injury to the animal, or  
7 actions that cause the animal's death. Some sexual assaults of  
8 animals cannot be prosecuted under animal cruelty laws because  
9 they do not cause bodily injury. Additionally, many acts of  
10 animal sexual abuse are discovered long after the incident  
11 occurs, limiting the available evidence.

12           The legislature further finds that the sexual assault of an  
13 animal has been significantly linked to the sexual abuse of  
14 children, as well as interpersonal violence and other forms of  
15 animal cruelty. In addition, sexual abusers of animals have  
16 been shown to collect and share child pornography and express



1 interest in other aberrant behavior involving sexual violence  
2 and fetish behaviors.

3 The legislature additionally finds that establishing the  
4 sexual assault of an animal as a separate crime will allow state  
5 law enforcement officers to better identify potentially  
6 dangerous and violent sexual predators in their communities.

7 Accordingly, the purpose of this Act is to prohibit the  
8 sexual assault of an animal in the State.

9 SECTION 2. Chapter 711, Hawaii Revised Statutes, is  
10 amended by adding a new section to be appropriately designated  
11 and to read as follows:

12 "§711- Sexual assault of an animal. (1) A person  
13 commits the offense of sexual assault of an animal if the person  
14 knowingly:

15 (a) Subjects an animal to sexual contact;

16 (b) Possesses, sells, transfers, purchases, or otherwise  
17 obtains an animal with the intent to subject the  
18 animal to sexual contact;

19 (c) Organizes, promotes, conducts, or participates as an  
20 observer in an act where an animal is subject to  
21 sexual contact;



- 1        (d) Causes, coerces, aids, or abets another person to
- 2                subject an animal to sexual contact;
- 3        (e) Permits sexual contact with an animal to be conducted
- 4                on any premises under the person's charge or control;
- 5        (f) Advertises, solicits, offers, or accepts the offer of
- 6                an animal with the intent that it be subjected to
- 7                sexual contact in the State; or
- 8        (g) Creates, distributes, publishes, or transmits, whether
- 9                for commercial or recreational purposes, a
- 10               pornographic image or material depicting a person
- 11               subjecting an animal to sexual contact.
- 12        (2) This section shall not apply to the following
- 13 practices:
- 14        (a) Veterinary medicine;
- 15        (b) Artificial insemination of animals for the purpose of
- 16               procreation;
- 17        (c) Animal husbandry;
- 18        (d) Conformation judging; or
- 19        (e) Customary care of an animal by its owner.
- 20        (3) Unless otherwise provided by any other law:



1        (a) Sexual assault of an animal is a misdemeanor for the  
2        first offense and a class C felony for the second or  
3        subsequent offense; or

4        (b) If the offense subjected a minor to sexual contact  
5        with an animal or was committed in the presence of a  
6        minor as defined in section 706-606.4, sexual assault  
7        of an animal is a class B felony.

8        (4) Each violation of this section shall constitute a  
9        separate offense.

10       (5) Upon conviction, guilty plea, or plea of nolo  
11       contendere for any violation of this section, in addition to any  
12       other penalty, the defendant shall be:

13       (a) Ordered to:

14       (i) Surrender or forfeit the animal whose sexual  
15       assault was the basis of the conviction or plea  
16       to the custody of the animal service contractor  
17       in the county in which the offense took place for  
18       the time and under the conditions ordered by the  
19       court;

20       (ii) Surrender or forfeit any other animals in the  
21       defendant's possession, custody, or control to



1                   the animal service contractor in the county in  
2                   which the offense took place for the time and  
3                   under the conditions ordered by the court;  
4                   provided that there is substantial evidence that  
5                   the animals are being abused in violation of this  
6                   section;

7           (iii) Reimburse the animal service contractor in the  
8                   county in which the offense took place for  
9                   reasonable costs incurred to care for, feed,  
10                   house, and medically treat any animal sexually  
11                   assaulted under this section;

12           (iv) Attend an appropriate treatment program or obtain  
13                   psychiatric or psychological counseling, at the  
14                   defendant's expense; and

15           (v) Make restitution to the owner of the animal,  
16                   including reimbursement for any expenses incurred  
17                   for medical treatment or rehabilitation; provided  
18                   that the defendant is not the owner of the animal  
19                   whose sexual assault was the basis of the  
20                   conviction or plea; and



1        (b) Prohibited from:

2            (i) Harboring, owning, possessing, or exercising  
3            control over any animal;

4            (ii) Residing in any household where animals are  
5            present; and

6            (iii) Engaging in any occupation, whether paid or  
7            unpaid, or participating in a volunteer position  
8            at any establishment at which animals are  
9            present, for the length of time that the court  
10           deems reasonable for the protection of all  
11           animals but no less than five years after the  
12           person's release from imprisonment or court  
13           supervision.

14           (6) Prosecution under this section does not preclude  
15           prosecution under any other law. Nothing in this section is  
16           intended to affect any civil remedies available for a violation  
17           of this section.

18           (7) As used in this section:

19           "Animal" includes every living or dead creature, except a  
20           human being.



1 "Pornographic" has the same meaning as defined in  
2 section 712-1210.

3 "Sexual contact" means:

4 (a) The intentional touching or penetration, however  
5 slight, of the sex organs, genitalia, mouth, or anus  
6 of an animal by a person or of a person by an animal;

7 or

8 (b) The insertion of a person's body part or object into  
9 the sex organs, genitalia, mouth, or anus of an  
10 animal.

11 (8) Violations of this section shall be subject to the  
12 search, impound, and forfeiture provisions in  
13 sections 711-1109.1 and 711-1109.2."

14 SECTION 3. Section 706-606.4, Hawaii Revised Statutes, is  
15 amended by amending subsection (2) to read as follows:

16 "(2) As used in this section:

17 "In the presence of a minor" means in the actual physical  
18 presence of a child or knowing that a child is present and may  
19 hear or see the offense.

20 "Offense" means a violation of section 707-710 (assault in  
21 the first degree), 707-711 (assault in the second degree),





1 707-730 (sexual assault in the first degree), 707-731 (sexual  
2 assault in the second degree), 707-732 (sexual assault in the  
3 third degree), [~~or~~] 709-906 (abuse of family or household  
4 members) [~~-~~], or 711- (sexual assault of an animal)."

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

8 SECTION 5. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 6. This Act shall take effect upon its approval.

APPROVED this 07 day of JUN, 2021



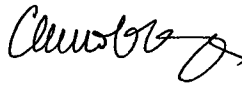
GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI‘I**

Date: April 23, 2021  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2021.

  
President of the Senate

  
Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE  
STATE OF HAWAII

Date: April 13, 2021  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives