



**Office of the Public Defender
State of Hawaii
Timothy Ho, Chief Deputy Public Defender**



**Testimony of the Office of the Public Defender,
State of Hawaii to the Senate Committee on Judiciary and Labor**

February 26, 2013 10:00 a.m.

S.B. No. 635: RELATING TO CRUELTY TO ANIMALS

Chair Hee and Members of the Committee:

This measure would create the offenses of cruelty to animals in the first and second degree. The Office of the Public Defender opposes S.B. 635 and proposes an amendment to this measure.

Our concern with this measure is that an innocent person erroneously targeted by a police officer and/or his dog who strikes, kicks, stabs or shoots that dog in self-defense would face a felony charge if it results in substantial bodily injury or death. Even a person correctly targeted by a police officer and/or his dog may instinctively strike or kick in order to avoid being bitten or attacked by that dog.

Hawaii differs from other states in that our strict gun laws mean that the potential for police dogs to get shot in the line of duty is low, and the fact that it has never occurred here is further proof that the risk is low.

We propose that this measure be amended by deleting the language from page 4, line 12 and 14. A law enforcement animal cannot testify, and therefore proof of pain or injury would be difficult, if not impossible. Cruelty to a law enforcement animal in the second degree would then be defined as recklessly causing bodily injury to or death to a law enforcement animal. We also believe that the penalty is excessive, and propose that the first degree offense be classified as a misdemeanor, and the second degree offense, a petty misdemeanor.

For the reasons stated above, we oppose S.B. 635, and have proposed two amendments to this measure. Thank you for the opportunity to provide input on this measure.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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**THE HONORABLE CLAYTON HEE, CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawai'i**

February 26, 2013

RE: S.B. 635; RELATING TO ANIMAL CRUELTY.

Chair Hee, Vice-Chair Shimabukuro and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of Senate Bill 635, with suggestions for amendments.

The Department agrees that law enforcement animals are an integral part of the Hawaii's law enforcement and corrections agencies, hand-selected and highly trained for their jobs. These animals diligently work side-by-side with law enforcement officers, deputies and other personnel, and should be afforded special protections.

Regarding the specific language of the bill, we note the words "injury or pain" on page 4, line 13-14, could be somewhat problematic, as there is no definition of "injury," and "pain" may be difficult to prove at times, as the animal would be unable to testify as a witness.

For the definition of "law enforcement animal," we would ask to include courthouse dogs, such as the one that works for the Department. Our official courthouse dog—Pono—has been hand-selected, highly-trained and diligent in her work, has already assisted in numerous cases, and sometimes works under particularly tense circumstances, where she could be vulnerable to physical attack.

Finally, it seems the restitution mandated for the proposed offenses may go beyond the usual restitution mandated under HRS §706-646, which could be unfair to other victims. We understand that this is a matter of policy for the Legislature to decide.

For the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports S.B. 635. Thank you for the opportunity to testify on this matter.



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GARY A. YABUTA
CHIEF OF POLICE

CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

February 25, 2013

The Honorable Clayton Hee, Chair
And Members of the Committee on Judiciary and Labor
The Senate
State Capitol
Honolulu, Hawaii 96813

RE: SB 635, RELATING TO ANIMAL CRUELTY

Dear Chair Hee and Members of the Committee:

The Maui Police Department **supports** the passing of Senate Bill No. 635.

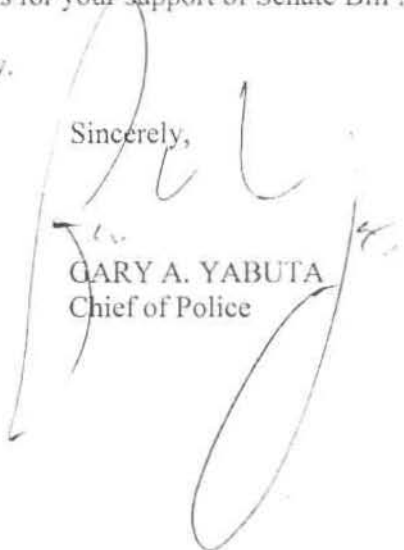
This bill establishes the offenses of cruelty in the first and second degrees to a law enforcement animal and adds a definition for "law enforcement animal."

The Maui Police Department supports this measure as it will help to protect law enforcement service animals that work hard to prevent drugs from entering our community. We would also like to show our support for these courageous and hard-working members of our police department for their tireless, selfless, and committed work in support of our goals to protect and serve our community.

The Maui Police Department again asks for your support of Senate Bill No. 635.

Thank you for the opportunity to testify.

Sincerely,


GARY A. YABUTA
Chief of Police

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 22, 2013 6:05 PM
To: JDLTestimony
Cc: igibson@hsus.org
Subject: Submitted testimony for SB635 on Feb 26, 2013 10:00AM

SB635

Submitted on: 2/22/2013

Testimony for JDL on Feb 26, 2013 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Inga Gibson	Humane Society of the US-Hawaii	Support	No

Comments: Dear Chair Hee and Committee members, Thank you for your support for SB635 which would extend important protections to those animals, including police dogs and horses, who are trained to serve and protect our communities from various criminal activities. These animals are selfless and loyal and deserve enhanced protections from any cruel acts they may encounter in the course of their dedicated service to humans. Thank you for your consideration of this testimony. Inga Gibson Hawaii Director The Humane Society of the United States

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 24, 2013 9:43 AM
To: JDLTestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for SB635 on Feb 26, 2013 10:00AM*

SB635

Submitted on: 2/24/2013

Testimony for JDL on Feb 26, 2013 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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