

Honolulu, Hawaii

MAR 01 2013

RE: S.B. No. 635

S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 635 entitled:

"A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY,"

begs leave to report as follows:

The purpose and intent of this measure is to protect law
enforcement animals in the line of duty by:

- (1) Establishing the offense of cruelty to a law enforcement
animal in the first and second degrees; and
- (2) Adding a definition of "law enforcement animal".

Your Committee received testimony in support of this measure
from the Department of the Prosecuting Attorney, City and County
of Honolulu; Police Department, County of Maui; Police Department,
City and County of Honolulu; Humane Society of the United States-
Hawaii; and two individuals. Testimony in opposition to this
measure was submitted by the Office of the Public Defender.

Your Committee finds that law enforcement animals are an
integral part of Hawaii's law enforcement and corrections agencies
and are 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. This measure protects law enforcement
animals in the line of duty.



Your Committee notes the comments made by the Office of the Public Defender that this measure is not necessary due to existing laws that protect service animals. Specifically, the Office cited section 711-1109.4, Hawaii Revised Statutes, relating to causing injury or death to a service dog and section 711-1109.5, Hawaii Revised Statutes, relating to the intentional interference with the use of a service dog. However, your Committee further notes that service dogs are defined under section 347-2.5, Hawaii Revised Statutes, as dogs that are trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, intellectual, or other mental disability. Thus, service dogs and law enforcement animals, which include dogs, horses, or other animals used by law enforcement or corrections agencies, are not the same.

Accordingly, your Committee has amended this measure by:

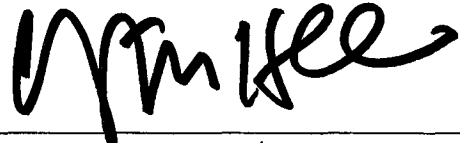
- (1) Adopting the amendments suggested by the Office of the Public Defender by replacing sections 2 and 3 with language that:
 - (A) Amends section 711-1109.4, Hawaii Revised Statutes, to include recklessly causing injury to or death of any law enforcement animal under the offense of causing injury or death to a service dog; rename the offense; provide certain exceptions to this offense; establish penalties; provide restitution; establish an affirmative defense; and define law enforcement animal; and
 - (B) Amends section 711-1109.5, Hawaii Revised Statutes, to include intentionally or knowingly harming, striking, or kicking a law enforcement animal under the offense of intentional interference with the use of a service dog; rename the offense; provide certain exceptions to this offense; establish penalties; provide restitution to be paid to the law enforcement agency; establish an affirmative defense; and define law enforcement animal; and
- (2) Making technical, nonsubstantive amendments for the purpose of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report,



your Committee is in accord with the intent and purpose of S.B. No. 635, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 635, S.D. 1, and be placed on the calendar for Third Reading.

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



CLAYTON HEE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 635	Committee Referral: JDL	Date: 2/26/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
TOTAL	5			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes