

STAND. COM. REP. NO. 984

Honolulu, Hawaii

MAR 17 2021

RE: H.B. No. 416  
H.D. 2  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Agriculture and Environment, to which was referred H.B. No. 416, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit certain restraints and tethers that endanger a dog, including preventing the dog from obtaining sustenance; and
- (2) Authorize courts to order attendance at educational classes concerning animal abuse prevention in addition to other penalties.

Your Committee received testimony in support of this measure from the Hawaiian Humane Society, Animal Interfaith Alliance in Britain, Animal Rights Hawai'i, Sanctuary of Mana Ke'a Gardens, Hawaii Association of Animal Welfare Agencies, Domestic Violence Hurts Animals and People, Pono Advocacy, The Humane Society of the United States, and thirty-five individuals. Your Committee received comments on this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu.



Your Committee finds that tethering a dog in ways that cause injuries; preventing access to food, water, or shelter; or isolating an animal from opportunities to bond with their human families adversely affects the health and safety of dogs and can lead to further aggressive behavior. Dogs that are tethered are three times more likely to develop aggressive behavior than those that are not chained. Existing statutes make it difficult for law enforcement officers to act before an improperly tethered or restrained dog has suffered serious injuries or death. Your Committee further finds that these protections will ensure that dogs who are kept outdoors are provided proper and humane restraints and are provided adequate food and water. This measure is intended to create reasonable expectations for the humane treatment of dogs, and not simply to punish violators. The proposed enforcement provisions concerning proper tethering will allow investigators to educate dog owners so they can correct violations before an animal becomes aggressive or the dog endangers itself, keeping pets safe on their property and socially integrated.

Your Committee has heard the concerns of the Department of the Prosecuting Attorney of the City and County of Honolulu that this measure as drafted appears to narrow the criminal conduct, rather than expand the criteria for behavior that qualifies under the offense. Additionally, the suggested penalties may create a conflict within existing statutes that may unnecessarily restrict the Department of the Prosecuting Attorney from requesting the educational courses as a condition of probation in other types of cruelty to animal offenses. Removal of this provision would not preclude the courts from imposing educational classes as already authorized under section 706-624, Hawaii Revised Statutes, Amendments to this measure are therefore necessary to address the Department of the Prosecuting Attorney's concerns.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying the prohibited conduct and elements under the offense of cruelty to animals in the second degree;
- (2) Removing language that would have authorized a court to order attendance at educational classes concerning animal abuse prevention pursuant to section 706-624,

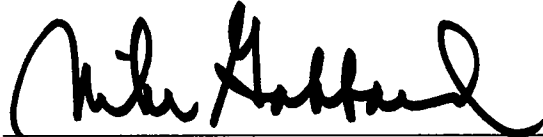


Hawaii Revised Statutes, because courts already have such discretion; and

- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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

Respectfully submitted on  
behalf of the members of the  
Committee on Agriculture and  
Environment,

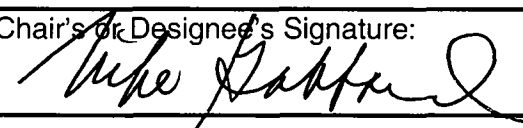


MIKE GABBARD, Chair



The Senate  
 Thirty-First Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Agriculture and Environment**  
**AEN**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 416, HD 2	AEN, JDC	03/15/2021		
<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
GABBARD, Mike (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
ACASIO, Laura	✓			
RHOADS, Karl	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>5</b>			
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