

Honolulu, Hawaii

April 24, 2008

RE: S.B. No. 3203  
S.D. 1  
H.D. 1  
C.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 3203, S.D. 1, H.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to criminalize "animal hoarding" as a petty misdemeanor.

Specifically, the measure defines "animal hoarding" as the:

- (1) Possession of twenty or more dogs, cats, or a combination of dogs and cats;
- (2) Failure to provide necessary sustenance for each dog or cat; and



- (3) Disregarding of conditions under which the dogs or cats are living and the deleterious impact the conditions have on the dogs', cats', or owner's health and well-being.

This measure is in response to recent incidences of the keeping of a large number of animals, typically dogs and cats, without providing them adequate care.

Your Committee on Conference notes that the standard of care with regard to cruelty to animals in section 711-1100, Hawaii Revised Statutes, defines "necessary sustenance" as follows:

"Necessary sustenance" means care sufficient to preserve the health and well-being of a pet animal, except for emergencies or circumstances beyond the reasonable control of the owner or caretaker of the pet animal, and includes but is not limited to the following requirements:

- (1) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight;
- (2) Open or adequate access to water in sufficient quantity and quality to satisfy the animal's needs;
- (3) Access to protection from wind, rain, or sun; and
- (4) An area of confinement that has adequate space necessary for the health of the animal and is kept reasonably clean and free from excess waste or other contaminants that could affect the animal's health."

Your Committee on Conference finds that animal hoarding is an under-recognized community problem that affects both human and animal welfare.

Your Committee on Conference has amended this measure by:

- (1) Making it a misdemeanor offense;
- (2) Clarifying the state of mind for the offense as intentionally, knowingly, or recklessly;
- (3) Clarify the conditions in which the dogs or cats are living as an element of the offense, to address an issue raised by the Attorney General;



- (4) Making conforming statutory amendments; and
- (5) Changing the effective date to upon approval and inserting a sunset of July 1, 2011, to give this measure time to prove its effectiveness and to revisit any complications, if any, that may be experienced in its application.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 3203, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 3203, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



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BLAKE K. OSHIRO, Chair



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BRIAN T. TANIGUCHI, Chair



