



TETHERING COULD BE CONSIDERED ANIMAL CRUELTY IN HAWAII

**** SB 2877 SET FOR HEARING ON FEBRUARY 5TH ****

The Issue.

Companion bills have been introduced in Hawaii amending current state law pertaining to tethering. House Bill 2724 and Senate Bill 2877 state that a person commits animal cruelty if he/she does not meet tethering standards. The bills also provide penalties for violators. **SB 2877 is set to be heard before the Senate Judiciary & Government Operations Committee on February 5th, in Room 016 of the State Capitol Building at 9:35 a.m.**

The Impact.

According to HB 2724 and SB 2877, “a person commits the offense of cruelty to animals in the second degree if the person intentionally, knowingly, or recklessly tethers, fastens, ties or restrains a dog to a dog house, tree, fence, or any other stationary object or to a cable trolley system:

- By a tether or chain that is less than five times the length of the dog, measured from the tip of its nose to the base of its tail, provided that, in no case, shall the tether or chain be less than ten feet in length;
- By a tether or chain that weighs more than ten per cent of the weight of the dog tethered;
- By a tether or chain that does not have a swivel on at least one end;
- By a tether or chain that allows the dog to reach within five feet of the property line; or
- Where the dog is under the age of six months”.

Penalties for anyone found in violation of these provisions are as follows:

- First offense, a fine of \$50 to \$150, without the possibility of suspension; and
- Second or subsequent offense, a fine of \$200 to \$500, without the possibility of suspension.

PIJAC Position.

While PIJAC is aware of issues associated with tethering an animal in a reckless manner, we question the advisability of adopting language that requires a person to make a series of calculations (i.e., five times the length of the animal from tip of the nose to the base of the tail, not more than 10% of the dog's weight, not coming within five feet of the property line and the tether may not be less than 10 feet in length) as a condition precedent to using a tether. Most tethers come in standard lengths and customizing a tether after purchase might result in a less than desirable unit. Also, we do not understand why a tether may not be used on a dog under the age of six months, especially for larger breeds.

As worded, one could interpret the proposal to ban groomers from using a tether connected to a grooming table (a "stationary object") during the grooming process. PIJAC recommends that an exception be made for groomers using a tether as part of the grooming process provided that the animal is not left unattended. Current Hawaii Code, §711-1109(1)(g), states that this does not apply to a person walking a dog with a hand-held leash or while a dog is engaged in a supervised activity. It is still not clear if grooming is considered a “supervised activity”. Therefore, we urge inclusion of specific language regarding grooming activities.



PIJAC also recommends that the standards be simplified to provide for a minimum length for a tether as well as a provision that a tether should be so situated as to prevent the dog from reaching within five feet of the properly line. That way a pet owner does not need to engage in the mathematical computations proposed in these bills.

Recommended Action.

As stated above, SB 2877 is set to be heard before the Senate Judiciary & Government Operations Committee on February 5th, in Room 016 of the State Capitol Building at 9:35 a.m. HB 2724 has yet to be set for committee hearing in the House Judiciary Committee.

Contact information for members of both committees is listed below. Also, to easily contact both members of the Committee, as well as your own Representative, visit PIJAC's [Legislative Action Center](http://www.pijac.org/legislativeactioncenter) on the PIJAC website (<http://www.pijac.org/governmentaffairs>) to learn how.

The text to this legislation is attached to the online version of this *PetAlert*, found on the 'Breaking News' page of the PIJAC website (<http://www.pijac.org/petinformation/breakingnews.asp>).

If you have further questions please feel free to contact PIJAC's Bambi Nicole Osborne by phone at 202-452-1525 or via email at bambi@pijac.org.

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The Pet Industry Joint Advisory Council (PIJAC) has been protecting and promoting responsible pet ownership for nearly forty years. Follow our successes, events, and action alerts through Facebook and/or Twitter at PIJAC4pets. If you are not already a Member, please join us today by visiting www.pijac.org/membership. For additional information on PIJAC and its many exciting campaigns, please visit: www.pijac.org and www.dontmesswithmypet.org. Or, contact us at 1-800-553-PETS (1-800-553-7387); members@pijac.org.

On behalf of pets, responsible pet owners, and the pet industry, we thank you!

2009 HI H 2724 **AUTHOR:** Karamatsu
 VERSION: House Draft 1
 VERSION DATE: 02/26/2010

HOUSE OF REPRESENTATIVES
TWENTY-FIFTH LEGISLATURE, 2010
STATE OF HAWAII

H.B. No. 2724

A BILL FOR AN ACT

RELATING TO OFFENSES AGAINST PUBLIC ORDER.

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

SECTION 1. Section 711-1109, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (1) to read as follows:

"(1) A person commits the offense of cruelty to animals in the second degree if the person intentionally, knowingly, or recklessly:

(a) Overdrives, overloads, tortures, torments, beats, causes substantial bodily injury, or starves any animal, or causes the overdriving, overloading, torture, torment, beating, or starving of any animal;

(b) Deprives a pet animal of necessary sustenance or causes such deprivation;

(c) Mutilates, poisons, or kills without need any animal other than insects, vermin, or other pests;

(d) Keeps, uses, or in any way is connected with or interested in the management of, or receives money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, cock, or other animal, and includes every person who encourages, aids, or assists therein, or who permits or suffers any place to be so kept or used;

(e) Carries or causes to be carried, in or upon any vehicle or other conveyance, any animal in a cruel or inhumane manner;

(f) Confines or causes to be confined, in a kennel or cage, any pet animal in a cruel or inhumane manner;

(g) Tethers, fastens, ties, or restrains a dog in a cruel or inhumane manner to a doghouse, tree, fence, or any other stationary object ~~by~~ or to a cable trolley system;

(i) By means of a choke collar, pinch collar, or prong collar;

(ii) By a tether or chain that weighs more than ten per cent of the weight of the dog tethered;

(iii) By a tether or chain that does not have a swivel on at least one end; or

(iv) When the dog is under the age of two months; provided that a person is not prohibited from using such restraints when walking a dog with a hand-held leash or while a dog is engaged in a supervised activity; or

(h) Assists another in the commission of any act specified in subsections (1)(a) through (1)(g)."

2. By amending subsection (4) to read as follows:

"(4) Cruelty to animals in the second degree is a misdemeanor; provided that, in addition to any other penalty imposed, a person convicted under subsection (1)(g) shall be fined not less than:

(A) \$50 for a first offense; and

(B) \$200 for any subsequent offense."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on December 21, 2058.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2050.