



**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 Government Operations**

February 21, 2008, 9:30 a.m.

RE: S.B. 488: Relating To Animal Cruelty

Chair Taniguchi and Members of the Committee:

This measure would amend section 711-1109 by adding a new section which will prohibit the tethering, fastening, chaining, tying or otherwise restraining of any companion animal. The Office of the Public Defender opposes S.B. 488.

The term "companion animal" is not defined and therefore does not provide sufficient notice to the public as to which animals would be subject to the requirements of this measure. Furthermore, a pet owner may have legitimate reasons to tether or chain their pets in a safe and humane manner. Many homeowners, particularly those who live on the neighbor islands, do not have yards that enclosed by fences or other such structures. Some dogs are able to jump over the fences or walls that enclose their homes. If these animals are not chained or tethered, they will be free to roam the streets, creating a potentially dangerous situation. Recently, there have been cases reported in the news media about people being bitten by dogs that had somehow been able to free themselves from their enclosures. A homeowner may have to resort to tethering his or her dog in order to prevent it from harming other people or animals. A homeowner may need to restrain their dog for the duration of repair work that is being done on their home. Although this measure allows for a companion animal to be tethered for no longer than is necessary to complete a temporary task, who determines how long is "longer than necessary"? Again, the vagueness of the language in this measure will lead to misinterpretation by both the public and our law enforcement officials.

We oppose S.B. 488. Thank you for the opportunity to comment on this bill.

**Senate Committee on Judiciary and Government Operations**  
**Honorable Chair Brian Taniguchi, Vice-Chair Dwight Takamine**  
**February 13, 2009**  
**9:30am**

**Submitted by: Inga Gibson, Hawaii State Director**  
**The Humane Society of the United States**  
**In support of S.B 488/S.B. 1188 Prohibiting Chaining**

Dear Honorable Chair Taniguchi and Committee Members:

On behalf of our 47,704 members and supporters of the Humane Society of the United States in Hawaii, I would like to thank you for this opportunity to speak in favor of S.B. 488/S.B. 1188; prohibiting, with exception, the practice of tethering dogs. The HSUS is in strong support of these bills and we thank Senator Hanabusa and Senator Hemmings for their introduction of these important animal welfare and public safety measures.

More than 100 laws and ordinances across 30 states have been enacted to prohibit certain types of chaining. In 2006 California, with a population of close to 37 million and many rural areas, passed almost identical anti-chaining legislation. Across the country, communities that have enacted such legislation have seen a decrease in both dog bites and animal welfare complaints.

In addition, local media has recently reported a number of dog bites and an earlier proposal to prohibit certain breeds of dog. The most effective, efficient and affordable way to reduce dog bites is to prohibit the inhumane practice of chaining, coupled with strong dangerous dog and anti-dogfighting laws.

**Tethering Causes Aggression - a Threat to Public Safety**

The practice of chaining or tethering leads to aggression in dogs—even in dogs who start out friendly and docile. Continuously tethered dogs become lonely, bored, territorial, and aggressive. Like many animals, dogs react to perceived threats with a “fight or flight” response. Because tethered dogs do not have a “flight” option, they are more likely to respond aggressively to perceived threats—whether it’s another animal or an unlucky child who happens to enter their territory.

Chaining is a known risk factor for dog bites. Health and Public Safety professionals have long recognized a connection between chained dogs and dog bites. For example, in a 1994 edition of the journal *Pediatrics*, researchers found that chained dogs are nearly three (2.8) times more likely to bite than unchained dogs and over five (5.4) times more likely to bite children than unchained dogs.<sup>1</sup>

Numerous attacks on people by tethered dogs have been documented. For example, a study published in 1985 in *Public Health Reports* showed that half of the dogs involved in severe

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<sup>1</sup> K.A. Gershman, Jeffrey J. Sacks, and J.C. Wright, “Which dogs bite? A case-control study of risk factors,” *Pediatrics* 93 (1994), 913-917.

attacks on humans were chained during the attack or broke free from their chains to attack.<sup>2</sup> Tragically, the victims of such attacks are often children.

The United States Department of Agriculture and American Veterinary Medical Association also note the negative effects of chained dogs:

USDA – United States Department of Agriculture

From the Federal Register Vol. 1, No. 68 (July 2, 1996): “Our experience in enforcing the Animal Welfare Act has led us to conclude that continuous confinement of dogs by a tether is inhumane. A tether significantly restricts the dog’s movement. A tether can also become tangled around or hooked on the dog’s shelter structure or other objects, further restricting the dog’s movement and potentially causing injury.”

AVMA – American Veterinary Medical Association

From press releases dated May 17, 2002 and May 5, 2003 for National Dog Bite Prevention Week: “Never tether or chain your dog because this can contribute to aggressive behavior.”

Scientific study

From the study *Which Dogs Bite? A Case Control Study of Risk Factors*: “Our finding that being chained in the yard may be a risk factor for biting is in agreement with prior studies which have demonstrated that chained dogs account for a substantial portion of serious and fatal bites.”

**Tethering is Inhumane**

Dogs are pack animals and are naturally social. Chained dogs live an isolated existence that is contrary to their own instincts. This lack of socialization is part of what makes chained dogs more dangerous.

Chained dogs are at risk of getting hurt. Aside from the psychological harm endured by chained dogs, they are at risk from a number of other dangers. Weather conditions such as extreme heat or flooding can adversely affect a chained dog’s health. Plus, chained dogs cannot escape attacks from people or other animals.

It is not uncommon for chained dogs to strangle themselves if their tether gets tangled or caught on another object. In many cases, the necks of chained dogs become rubbed raw and covered with sores, the result of poorly fitted collars and the dogs’ constant yanking and straining in desperate attempts to escape confinement. Dogs have been found with collars embedded in their necks, the result of years of neglect at the end of a chain.

We strongly urge your passage of S.B. 488/S.B. 1188 using language from S.B. 30, and an extended effective date of Jan 1, 2010, to allow for ample education and outreach to the community.

Please contact me at (808)922-9910 or [igibson@humanesociety.org](mailto:igibson@humanesociety.org) if I may provide additional information.

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<sup>2</sup> John C. Wright, PhD, “Severe Attacks by Dogs: Characteristics of the Dogs, the Victims, and the Attack Settings,” *Public Health Reports* Vol. 100, No. 1 (January-February 1985), <http://www.pubmedcentral.nih.gov/articlerender.fcgi?artid=1424716>.

Susan Miyao

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**From:** Kawehi Yim [kyim@hawaiianhumane.org]  
**Sent:** Thursday, February 12, 2009 4:25 PM  
**To:** JGO Testimony  
**Subject:** SB488 -- Relating to Animal Cruelty  
**Attachments:** att62e6c.jpg



HAWAIIAN  
HUMANE  
SOCIETY

Senator Brian T. Taniguchi, Chair  
Committee on Judiciary and Government Operations

**SUBJECT:** SB488

**POSITION:** Support the intent of the bill with concerns and recommendations for action.

The Hawaiian, Kauai and Maui Humane Societies strongly support the intent of SB30 which prohibits tethering dogs. Ideally, we would like to have all dogs off chains for both the dog's welfare and public safety. However, passing a ban on tethering of dogs right now, may result in unintended consequences with owners not being able to afford fencing they would "be forced" to surrender dogs to the local humane societies or contain dogs in alternate inhumane holding pens, such as rabbit type hutches used commonly with large numbers of hunting dogs.

The Hawaii humane societies would like to see the **immediate prohibition on the use of chain, choke and pinch collars as a means of tethering an unattended dog** -- we feel that this is definitely something that can readily increase the welfare of dogs and can easily be implemented by dog owners.

We also strongly recommend that the legislature convene a task force to further define and discuss this issue so that language can be drafted that meets the needs of the community as a whole. Included in this discussion we recommend:

- Developing an educational outreach program to educate the community on the consequences of "tethering" or "chaining" a dog 24/7 as a means of increasing the public's awareness of this problem ; and
- Including this issue in a statewide survey to identify what the concerns are on each island;

While this is statewide legislation, the Hawaii humane societies feel that the enforcement of the law should be addressed on a county by county basis because of their unique differences. We urge the Judiciary Committee to strongly consider these recommendations during their deliberation of this bill.

Sincerely,

Kawehi Yim  
Community Relations Director  
Hawaiian Humane Society  
2700 Waiialae Avenue  
Honolulu, HI 96826

Phone: 808.356.2212

E-Mail: [kyim@hawaiianhumane.org](mailto:kyim@hawaiianhumane.org)

*When it comes to giving, go local. On Oahu, Hawaiian Humane Society is the only animal welfare organization that shelters, rescues, adopts and welcomes all animals — all day and every day. 100% of your gift stays in the islands for the benefit of Hawaii's animals and people.*

[www.hawaiianhumane.org](http://www.hawaiianhumane.org)

From:  
Subject:

on behalf of JGO Testimony  
FW: SB 488 Relating to Animal Cruelty Hearing Friday, February 13



Kauai Humane Society  
PO Box 3330  
Lihue, Hawaii 96766  
(808) 632-0610  
[www.kauaihumane.org](http://www.kauaihumane.org)

February 12, 2009

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS  
Senator Brian T. Taniguchi, Chair  
Senator Dwight Y. Takamine, Vice Chair

HEARING DATE: Friday, February 13, 2009, 9:30 a.m.  
Conference Room 016, State Capitol

**Re: SB 488 Relating To Animal Cruelty**

Dear Chairman Taniguchi and Members of the Committee,

On behalf of the Kauai Humane Society and its 2000 supporters, we strongly support the intent of SB 488 which prohibits tethering dogs. Ideally, we would like to have all dogs off chains for both the dog's welfare and public safety.

However, passing a ban on tethering dogs right now may result in unintended consequences:

- Owners not being able to afford fencing may feel forced to surrender dogs to animal shelters,
- Dogs may be released from any kind of control and run loose, or
- Dogs may be contained in an alternate inhumane holding cage.

We would like to see the immediate prohibition of the use of chain, choke or pinch collars as a means of tethering an unattended dog. This will definitely improve the welfare of dogs and can easily be complied with by dog owners.

We strongly recommend that the legislature convene a task force to further define and discuss this issue along with other minimum standards of pet keeping so that language can be drafted that meets the needs of the community as a whole. Enforcement of a law such as this needs to be addressed on a county by county basis because of the unique differences.

Sincerely,

A handwritten signature in black ink that reads "R. Rhoades".

Rebecca H. Rhoades, D.V.M.  
Executive Director  
Kauai Humane Society

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 12, 2009 2:22 PM  
**To:** JGO Testimony  
**Cc:** selkie@hawaii.rr.com  
**Subject:** Testimony for SB488 on 2/13/2009 9:30:00 AM

Testimony for JGO 2/13/2009 9:30:00 AM SB488

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Cathy Goeggel  
Organization: Animal Rights Hawai'i  
Address:  
Phone:  
E-mail: [selkie@hawaii.rr.com](mailto:selkie@hawaii.rr.com)  
Submitted on: 2/12/2009

Comments:  
ANIMAL RIGHTS HAWAI'I

P.O. BOX 10845  
HONOLULU, HI 96816  
808.941.9476  
[ANIMALRIGHTSHAWAII.ORG](http://ANIMALRIGHTSHAWAII.ORG)  
[SELKIE@HAWAII.RR.COM](mailto:SELKIE@HAWAII.RR.COM)

Committee on Judiciary and Government Operations Friday, February 13, 2009 Conference Room  
016 Hawai'i State Capitol

Senator Brian Taniguchi, Chair  
Senator Dwight Takamine, Vice Chair

re: SB488 and SB1188

We are grateful for the several bills that have been introduced to end the cruelty of tethering dogs and cats . Our investigations have produced photographic evidence that the practice is rampant on O'ahu, and we have heard from activists on other islands that this is a problem throughout our state.

Each of these bills has merit, as does SB30, which was heard and passed unanimously in the WTL Committee.

The most important issues are:

\* Chains should never be used as a collar on a dog, unless under constant human supervision. This includes choke and prong collars. Collars should be wide enough to not bite into the neck; Collars need to be changed as puppies grow up, as we often see adult dogs with scars from too tight collars

\* Dogs should not be tethered to a single object (like a tree or dog house) because of the possibility of inadvertently choking due to circling the object.

\* If a fence enclosure is not possible, a trolley/pulley system can be set up for as little as \$30.00.

\* Dogs should be able to move about on a leash or rope trolley so as to avoid the sun as the day passes; they should be able to exercise their legs, and be able to drink water and eat food away from areas of defecation and urination.

\* Housing should be adequate to provide protection from the elements and should be clean.

As presented in my testimony on SB 30, we feel that in the interest of protection of companion animals as well as public safety, there should be a law to ban the practice of keeping a dog on one's property with no socialization, as a cheap form of burglar control.

Mahalo!

Cathy Goeggel  
Director



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**From:** Kahalepuna, Adrienne POH [Adrienne.Kahalepuna@usace.army.mil]  
**Sent:** Wednesday, February 11, 2009 4:10 PM  
**To:** JGO Testimony  
**Subject:** Testimony

### **SB488 – Relating to Animal Cruelty (tethering)**

Prohibits the tethering or restraining of companion animals unless certain circumstances exist.

- SUPPORT INTENT OF THE BILL.
- The Hawaiian, Kauai and Maui Humane Societies strongly support the intent of SB30 which prohibits tethering dogs. Ideally, we would like to have all dogs off chains for both the dog's welfare and public safety.
- However, passing a ban on tethering of dogs right now may result in unintended consequences; with owners not being able to afford fencing they may feel "forced" to surrender dogs to animal shelters; release them from control entirely or contain dogs in alternate inhumane holding pens, such as rabbit type hutches used commonly with large numbers of hunting dogs.
- The Hawaii humane societies would like to see the immediate prohibition of the use of chain, choke and pinch collars as a means of tethering an unattended dog -- we feel that this is definitely something that can readily increase the welfare of dogs and can easily be implemented by dog owners.
- We strongly recommend that the legislature convene a task force to further define and discuss this issue so that language can be drafted that meets the needs of the community as a whole.
  - Included in this discussion would be an educational outreach program to educate the community on the consequences of "tethering" or "chaining" a dog 24/7 as a means of increasing the public's awareness of this problem;
  - would be good to include this issue in a statewide survey to identify what the concerns are on each island ;
  - while this is statewide legislation, the Hawaii humane societies feel that the enforcement of the law should be addressed on a county by county basis because of their unique differences.

### **SB763 – Relating to Cruelty to Animals (dog fighting)**

Repeals existing prohibition against dog fighting and enacts more comprehensive prohibition of dog fighting and related conduct. Provides enhanced penalties.

- STRONGLY SUPPORT all efforts to end this cruel blood sport.
- Believe that these same enhanced penalties should be applied to cockfighting as well.

### **SB 1086 – Relating to Pet Animals (TRO)**

Amends the family court temporary restraining order statute to include addressing of pet animals.

- STRONGLY SUPPORT.
- This bill will help to solidify and increase awareness between the link between animal cruelty and human violence.

**SB1194 – Relating to Offenses Against Public Order (gaff)**

Prohibits possession of gaff designed to be attached to gamecock or other fighting fowl.

- STRONGLY SUPPORT.

**SB1776 – Relating to Dangerous Dogs (free roaming)**

- SUPPORT WITH CONCERNS.
- Concern raised is that the current language of this bill may be in conflict with county ordinance which themselves vary from county to county.
- Support legislation that takes into consideration the needs of the entire community.

**SB1188 – Relating to Animals (unreasonable or unsafe restraint)**

Restraint of dogs/cats.

- SUPPORT INTENT OF THE BILL.
- Concerns are similar to those stated in SB488 with the addition of cats in this legislation.

**SB1222 – Relating to the Humane Treatment of Pet Animals (confinement on public property/hoarding)**

Confinement of pets on public property.

- OPPOSE.
- Concerns:
  - Definition of public property includes any property that is owned by the County, State or Federal governments. As a result, the unintended consequences of this legislation would make any dog/cat held in a cage on public property illegal, such as:
    - K-9 dogs kept at HPD holding facility;
    - the State Quarantine Facility at Halawa;
    - Dept. of Agriculture dogs held at the airport,
    - the Hawaiian, Maui and Kona Humane Societies
    - the homeless population who live on county/state beaches and parks;
    - any pet-friendly emergency shelter during a natural and/or manmade disaster
    - Pet stores selling pets and pet stores buying pets from puppy mills (animals that are confined for life for human financial gain)
    - Any county and/or state agency involved in actively trapping animals for removal;
  - Section (2) allows any society or organization that claims to be a "duly incorporated humane society" or organization formed for the prevention of cruelty" to enforce laws
  - The confiscation of animals, as written in this bill, goes against the basics of constitutional law and due process.
  - There are current laws in place, animal cruelty law, which works to address animals that are being kept in inhumane and cruel confinements

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**From:** WinSheltie [winsheltie@aol.com]  
**Sent:** Wednesday, February 11, 2009 11:49 AM  
**To:** JGO Testimony  
**Subject:** SB488

While I support the intent of this bill, there are many consequences to implementing it.

Most people who can not afford to provide a fenced area for their dogs may just release on the public or turn over their dogs to one of the Hawaiian humane societies. This would have disastrous effect on public perception of dog ownership, incidence of dog bits and overload of already strained facilities.

Education and information is key. Not an immediate ban.

S. Keleher  
Big Island

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**From:** Pamela Davis [liberate@hawaii.rr.com]  
**Sent:** Wednesday, February 11, 2009 7:14 PM  
**To:** taniguchi6 - Wayne  
**Subject:** Testimony for SB488

**TO:** Senator Brian T. Taniguchi, Chair  
Committee on Judiciary and Government Operations

**FROM:** Pamela Davis, President  
Animal Advocate Inc.  
cell: 779-8713

**SUBJECT:** Testimony in Support of SB488 (Relating to Animal Cruelty)  
Hearing Date: Friday, February 13, 2009  
Location: Conference Room No. 16, Chamber Level  
Time: 9:30 a.m.

Dear Chair Taniguchi and Members of the Committee on Judiciary and Government Operations:

My name is Pamela Davis, and I am the President of Animal Advocate Inc. here in Honolulu. We are submitting this testimony in SUPPORT of SB488, which pertains to tethering of companion animals. The language of the bill states that "tethering a companion animal is inhumane and an offense against the public order." The bill amends Section 711-1109, HRS, to make it an offense of cruelty to animals in the second degree.

Animal Advocate Inc. believes that a tethering law, which prohibits continuous chaining, is needed here in Hawaii. Continuous chaining is inhumane. However, it also can have other, unintended consequences, such as aggressive and dangerous behavior in an otherwise normal, friendly dog.

The large number of dog attacks on humans and other animals is proof positive of the need to address continuous tethering. Perhaps you recall that on February 24, 2004, a chained dog attacked and killed a toddler on Kauai. Dogs are pack animals, that is their basic nature. They require interaction with humans and other animals, and solitary confinement at the end of a chain is inhumane and leads to problems. For these reasons, we ask that you SUPPORT a law banning the continuous tethering of animals.

Thank you for this opportunity to testify on SB488.

Sincerely,

Pamela Davis, President  
Animal Advocate Inc.

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**From:** Joel Fischer [jfischer@hawaii.edu]  
**Sent:** Wednesday, February 11, 2009 1:03 PM  
**To:** JGO Testimony  
**Subject:** SB488Relating to Animal Cruelty; JGO; 2/13/09;9:30AM;Rm016

**Importance:** High

SB488, Relating to Animal Cruelty  
JGO; Chair, Sen Taniguchi

**PLEASE PASS THIS BILL!**

Sen Taniguchi and Committee: I am sorry I cannot be at the hearing this morning. I am at home watching my dog who is dying of heart disease.

My dog is a *therapy dog* who goes to hospitals to make unbelievable impacts on peoples' lives. She also is a beloved part of our family.

None of that could have happened had she been a dog left outside tethered to a leash or chain as so many dogs are here in Hawai'i. In fact, I visualize that situation with horror!

Long-term tethering is cruel and unusual punishment for these sensitive and loving creatures. It is damaging to their minds and emotions. It also is damaging to families who are missing out on one of the great joys of life: living with a dog.

I know you will hear and read testimony on this issue documenting how tethering is illegal in other US locations, and how tethering can produce aggressive animals. So there is no need to remind you of those factors. So, my testimony is devoted to making this simple point: Please do what you can to enhance the lives of families and their pets. You will never be sorry.

Thank you.

Aloha, joel

Dr. Joel Fischer, ACSW  
President, 19-3, Democratic party

Professor  
University of Hawai'i, School of Social Work  
Henke Hall  
Honolulu, HI 96822

"It is reasonable that everyone who asks justice should DO justice."  
Thomas Jefferson

"There comes a time when one must take a position that is neither safe, nor politic, nor popular, but one must take it because one's conscience tells one that it is right."  
Dr. Martin Luther King, Jr.

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**From:** nomi image [nomie\_34@yahoo.com]  
**Sent:** Thursday, February 12, 2009 1:19 AM  
**To:** JGO Testimony  
**Subject:** re: SB488 (Relating to Animal Cruelty)

**Committee on Judiciary and Government Operations  
Senator Brian T. Taniguchi, Chair  
Senator Dwight Y. Takamine, Vice Chair**

**Date: Friday, February 13, 2009  
Time: 9:30am  
Place: Conference Room 016  
State Capitol  
415 South Beretania Street**

**Dear Senators:**

**I am writing in SUPPORT of SB 488 which, if passed, will prohibit the tethering or restraining of companion animals.**

**Unfortunately, I am unable to be here in person due to work.**

**I am in support of the passing of this bill because chaining dogs causes mental and physical suffering. Dogs are pack animals and see their human family as part of their pack.**

**As documented by Dogs Deserve Better, a national non-profit organization in Pennsylvania, dogs are 2.8 times more likely to bite when chained or penned, especially if they are unneutered males or mothers with puppies. Between October 2003 and April 2008, 205 children in the U.S. were killed /seriously injured by dogs living chained or penned.**

**Dogs left outside chained and neglected also may suffer from embedded collars leading to serious infection and scarring on their throats.**

**I am passionate about this issue because my neighbors dog died as a direct result from being tethered. Left alone in the garage, he ran around in circles and eventually hung himself.**

**Also documented by Dogs Deserve Better, since 2003, three states, Connecticut, California and Texas have enacted some kind of protection for dogs living chained or penned. Over 110 cities and countries nationwide have now banned or limited tethering, and are setting stricter laws for what is acceptable treatment for "man's best friend".**

**Although Hawaii is a place where the weather is not as extreme as in the mainland, there are some days where it can be very hot or very windy and chilly. For dogs living outside 24/7 without adequate shelter, I can only imagine how uncomfortable and lonely it can be.**

**Food, water and inadequate shelter is not enough. Dogs need exercise, training and most of all love. They are our most loyal companions and deserve the best that we can give them!**

**I urge you to please pass SB488!**

**Respectfully,**

**Naomi Egami  
2850 Pukoloa St., Ste. 200  
Honolulu, HI 96819  
(808)349-8334**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 12, 2009 1:41 PM  
**To:** JGO Testimony  
**Cc:** punahoupoidog@hawaii.rr.com  
**Subject:** Testimony for SB488 on 2/13/2009 9:30:00 AM

Testimony for JGO 2/13/2009 9:30:00 AM SB488

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: peggy fern  
Organization: Individual  
Address: 55 merchant street honolulu  
Phone:  
E-mail: [punahoupoidog@hawaii.rr.com](mailto:punahoupoidog@hawaii.rr.com)  
Submitted on: 2/12/2009

**Comments:**

In a study of human fatalities resulting from dog bites, the Center for Disease Control(CDC), noted one of the most common factors is a dog either tethered, or has a history of usually being tethered. CDC reported in a 1991 study that tethered dogs are 2.8 times more likely to bite. In 2007, about 20% of dog bite fatalities stemmed from chained dogs.

An otherwise friendly dog, when kept chained, becomes neurotic, anxious, and aggressive. To those that argue that they are too poor to put up a fence, it is insulting to those of us with low incomes who genuinely care about our dogs. I have lived in places without a fenced yard. I walked the dog on a leash. When I am away, my dog is housed in dog designated, dog proofed room.

What do apartment dwellers do? They don't leave their dogs chained outside while they are away.

WALKING THE DOG IS FREE.

Owning a pet does require effort on the owners part. Bring your dogs indoors.  
Thank you for your attention to the matter.



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**From:** Malu Pet Bliss [tonya.huntley@gmail.com]  
**Sent:** Thursday, February 12, 2009 11:48 AM  
**To:** JGO Testimony  
**Subject:** SB488 and SB1188

**TO:**

**COMMITTEE ON JUDICIARY & GOVERNMENT OPERATION**

**Senator Brian Taniguchi, Chair**

**Senator Dwight Takamine, Vice Chair**

**Regarding: SB488 and SB 1188 testimony to be heard:**

**DATE: Friday, February 13, 2009**

**TIME: 9:30 a.m**

**PLACE: State Capitol**

**415 South Beretania Street, Room 016**

**Dear Senators:**

**I am writing in SUPPORT of *both SB488 and SB1188* which, if passed, will prohibit much of the current inhumane practice of tethering/chaining dogs on the islands of Hawaii and make it an offense to cruelties to animals in the 2nd degree.**

**I am in support of the passing of these bills because animals have become the most significant companions to us in American culture. Our heightened awareness and ability to care for these living beings sheds a horrible light on others who do not understand the importance of their protection and humane treatment. These bills would make examples out of those who are cruel to animals, thus reducing the amount of mistreatment overall to animals and on a deeper level to other people.**

**Thank you,**

**Tonya M. Huntley  
3138 Waiialae Avenue APT 909  
Honolulu, HI 96816  
(808) 232-1585**

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**From:** Marga Silveira [margasilveira@gmail.com]  
**Sent:** Thursday, February 12, 2009 12:03 PM  
**To:** JGO Testimony  
**Cc:** JGO Testimony  
**Subject:** Re: SB488, SB1188 (Anti Dog Tethering)

**Importance:** High

**Categories:** Blue Category

**COMMITTEE ON JUDICIARY & GOVERNMENT OPERATION**

**Senator Brian Taniguchi, Chair**

**Senator Dwight Takamine, Vice Chair**

**DATE: Friday, February 13, 2009**

**TIME: 9:30 a.m**

**PLACE: State Capitol**

**415 South Beretania Street, Room 016**

**Dear Senators:**

**I am writing in SUPPORT of SB488, SB1188 (Anti Dog Tethering) which, if passed, will prohibit much of the current inhumane practice of tethering/chaining dogs on the islands of Hawaii and make it an offense to cruelties to animals in the 2nd degree.**

**I am in support of the passing of these bills because I believe pets should be treated as family members, with love and respect.**

**CHAINING DOGS IS CRUEL. ANIMALS FEEL PAIN AND HAVE EMOTIONS LIKE US!!! THEY DESERVE AND NEED TO BE LOVED, APPRECIATED AND RESPECTED.**

**LET'S JUST IMAGINE HOW WE WOULD FEEL:**

- **IF WE HAD OUR OWN NECKS CHAINED, BLEEDING AND IN PAIN;**
- **IF WE WERE KEPT IN THE SUN, RAIN AND WIND, MOST OF THE TIMES WITH NO OR LITTLE WATER OR FOOD, AND WITH A 1 YARD OF CHAIN AROUND OUR NECKS, NIGHT AND DAY, RESTRAINING OUR MOVEMENT AND FREEDOM;**
- **WOULD WE LIKE THAT?**
- **HOW WOULD WE FEEL TOWARDS THOSE WHO WOULD HAVE IMPOSED THAT SITUATION TO US?**
- **WOULD WE BE FRIENDLY???????**

**PLEASE, TAKE THIS PLEA INTO CONSIDERATION!**

**Thank you,**

**Margarete S. Birmingham**

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**From:** Margo Johnson [margoj@hawaii.rr.com]  
**Sent:** Thursday, February 12, 2009 12:57 PM  
**To:** JGO Testimony  
**Subject:** SB488, SB1188 (Anti Dog Tethering)

Senator Brian Taniguchi, Chair  
Senator Dwight Takamine, Vice Chair

As a voting citizen, I support these bills as it is abusive to chain the fellow earth beings who simply want to give and receive some love. A 24/7 restrained creature slowly goes insane and becomes dangerous. Besides, it's just inhumane.

Margo Johnson  
1610B Wilhelmina Rise  
Honolulu, HI 96816  
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For the Animals: We must not refuse see with our eyes what they must endure with their bodies.

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**From:** William Birmingham [William.Birmingham@us.mwhglobal.com]  
**Sent:** Thursday, February 12, 2009 2:20 PM  
**To:** JGO Testimony  
**Subject:** Testimony for SB488 & SB1188 - Animal Cruelty/Tethering

Senators,

I would like to relay my support of eliminating animal cruelty / tethering of our dogs on the Hawaiian Islands.

Unfortunately, there are dog owners who treat their pets as objects rather than an important member of the family. I have personally seen animals leashed with a 6 ft cord which does not allow the animal freedom to move or relieve themselves away from the area they rest. There is nothing humane about this situation.

Since we can not monitor who owns a pet, the next best thing is to limit the cruelty of the owners. As a current dog owner I know my pets show emotions and understand their living conditions. There is nothing more repulsive seeing an animal laying in their own defecation or being raped by another dog because the animal can not protect themselves from the attacker.

If we are truly enlightened, pet owners should be in support of eliminating tethering of animals, except in rare cases. So as my state representatives, I ask that you support the elimination of tethering and animal cruelty (SB488 & SB1188).

Thank you for your consideration.

William S. Birmingham

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To: Committee on Judiciary and Government Operations  
From: John and Elizabeth Campbell  
Re: Testimony in Support of Anti-tethering Legislation (SB30/SB488/SB1188)  
Date: February 12, 2009

We firmly believe bill SB30/SB488/SB1188 is a reasonable legislation that would help to prevent animal cruelty and protect Hawaii's citizens from potential dogs bites and wholeheartedly support it's passage into law.

SB30/SB488/SB1188, anti-tethering legislation, should be passed for the following five reasons:

- 1) Prohibiting permanent chaining, as a means of containment, helps to prevent dog fighting.
- 2) Permanently chaining a dog, a highly social, sentient being, for it's entire life, is inhumane and cruel.
- 3) Permanently chaining a dog increases the likelihood that the animal will bite a humane being, especially a child.
- 4) Anti-tethering legislation is not an infringement on property rights as simply owning a living and sentient animal, despite it legally being referred to as property, does not give an individual the right to abuse it, treat it inhumanely, or subject it to animal cruelty.
- 5) Anti-tethering legislation will help to improve life, for both animals and human beings, in the Waianae area, where dog chaining is rampant.

**1) Prohibiting permanent chaining, as a means of containment, helps to prevent dog fighting.**

One group of thoroughly abused and tormented dogs that benefits greatly by anti-tethering legislation is the dogs used in dog fighting.

The sad reality is that in the more rural and remote sections of Hawaii, there is dog fighting. If Hawaii wants to put a dent in it's dog-fighting problem, a problem that often involves other criminal and illegal activity (i.e. drugs, illegal gambling) then a good place to start is by eliminating the most preferred option for keeping the dogs that are doomed to a life of fighting.... and that is the permanent chain! Take away the ability for these repulsive dog fighters to contain dozens of dog-aggressive dogs on their property, and their ability to keep and train dogs for fighting is significantly interrupted. An anti-tethering law will also help to provide law enforcement and animal control officers with a better ability to rescue and remove those cruelly tethered dogs, chained up on tow chains and, obviously, used in fighting, that are discovered during raids conducted in relation to other criminal and illegal activities.

**2) Permanently chaining a dog, a highly social, sentient being, for its entire life, is inhumane and cruel.**

There are those who claim permanent chaining is good for the dogs, and they actively fight any pending legislation that will prevent permanent chaining as an option for keeping one's dog. They are wrong and there is a volume of information related to dog behavior, which proves permanent chaining to be inhumane and cruel. Dogs relegated to an isolated life at the end of a permanent chain are frustrated, bored, and show numerous signs of both physical and mental deterioration. They are unsafe for children and other people, as the frustration too often leads to aggression, and leads to bodily harm should the dog get loose or a person get too close.

Limited and responsible tethering, where the dogs have, and can easily get to, adequate shelter, where the dogs have easy access to food and clean water, where the tethers are long enough to allow significant freedom to move beyond the area of the dogs' own waste, where the tethers are made with swivels that will prevent the dog from injury due to getting tangled or, worse, death from hanging, where the area in which the dog is tethered is not loaded with trash and filth, where the dogs are not kept on the chains during extreme weather conditions and storms, and where the amount of time in which the dog can be kept on the chain, on a daily basis, is reasonable for the dog and its owner, is acceptable. Anything less is irresponsible and abusive to the dog.

***We must add this important point: To take this same dog off of a permanent chain and place it permanently isolated in a small kennel IS NOT AN ACCEPTABLE OR HUMANE ALTERNATIVE TO PERMANENT CHAINING!*** Doing so is nothing more than swapping one form of permanent inhumane containment for another form of permanent inhumane containment. Both permanent chaining and permanent kenneling force the dog to exist in isolation, in complete frustration, and inhumanely neglected and forgotten. Both permanent chaining and permanent kenneling prevent a dog, which is a thinking and highly social animal, from living a life that was naturally intended for it, one that includes socialization, exercise, and quality care. ***It is for this reason that we also support SB1222, which prohibits the practice of permanently containing dogs in a small pen.***

Human beings insisted on domesticating this animal and making it dependent on human beings for its every need. Human beings must now follow-through on their obligation to ensure that the dogs, that people made dependent on them and that people have FREELY and DELIBERATELY chosen to bring into their lives, are provided with a life free of neglect, abuse, and pain.

**3) Permanently chaining a dog increases the likelihood that the animal will bite a humane being, especially a child.**

The most likely victims of a permanently chained dog's pent-up frustration and aggression are the littlest among us, who have no idea how to protect themselves from a biting dog and whose actions when afraid, such as screaming and crying, only escalate

the potential for getting bit, and bit badly. In circumstances such as this, it is the dog that will pay the ultimate price, by losing its life, despite the fact that *it is the neglectful owner that is truly responsible* for “creating” a biting dog by endlessly keeping it isolated, neglected, unsocialized, untrained, frustrated, and soon dangerous, on the end of a short chain.

**4) Anti-tethering legislation is not an infringement on property rights as simply owning a living and sentient animal, despite it legally being referred to as property, does not give an individual the right to abuse it, treat it inhumanely, or subject it to animal cruelty.**

Those who don't like regulations that ensure that people tether on a limited basis and in a responsible manner will argue that this is just another governmental infringement on their right to do what they wish with their own property. We disagree. When permanently chained dogs become a serious safety risk for OTHERS in the community, especially its littlest citizens, then this is no longer a “property” matter, but a matter of public safety. When children become unsafe from the preventable and wholly irresponsible actions of others, actions that involve deliberately mistreated dogs that are being severely neglected as well, then the community has a right to put regulations in place that will protect other citizens, and their children, from bodily harm and that will prevent the further inhumane treatment of the animals involved.

Property rights are something that we do not want to infringe upon unconstitutionally. But, simply owning a dog, despite its legal labeling as “property”, DOES NOT give the owner the “right” to abuse, neglect, or cruelly mistreat the dog... or to force it to live isolated without access to food and water, to force it to live without adequate shelter through all types of storms and brutal weather extremes, or to force it to deteriorate physically and mentally at the end of a permanent chain. Property rights are not automatic rights to commit animal cruelty or neglect, which is against the law, simply because the animal being abused is considered the “property” of its abusive owner. Animal cruelty and animal neglect are not only against the law, but they are inhumane actions that should never be tolerated by a good and decent society, even if the animal abuser and the “property” owner of the dog being abused are one in the same.

**5) Anti-tethering legislation will help to improve life, for both animals and human beings, in the Waianae area, where dog chaining is rampant.**

As proud residents of Waianae, we can tell you, first hand, that far too many of the dogs residing on the Leeward side of our Island are inhumanely and cruelly forced to live their entire lives on permanent chains, left in the hot sun without water, food, or proper shelter. The dogs that would most benefit from a law protecting them from this cruel containment method would be those living on the Leeward side. There are many residents in the Waianae area that are trying to improve the living conditions for those living on Oahu's Westside, including the conditions of our animals. An improvement to the way we treat our animals will translate into an improvement into how we treat each other. There is a

proven link between domestic violence and animal cruelty. Those who abuse animals are likely to abuse other defenseless human beings, especially the elderly and the children. Therefore, anti-tethering legislation, which will help to prevent further cruelty towards dogs through the use of a permanent chain, will, ultimately, have a positive effect on helping to prevent further abuse towards the weaker individuals amongst us. And this is something that we need, not only in Waianae, but also throughout the entire State of Hawaii.

In closing, we would like to point out the official position, regarding the permanent chaining of a dog, currently held by the U.S. Department of Agriculture. On July 2, 1996, the U.S. Department of Agriculture officially stated its position in opposition to the permanent chaining of a dog. In the Federal Register, the agency stated:

***“Our experience in enforcing the Animal Welfare Act has led us to conclude that continuous confinement of dogs by a tether is inhumane. A tether significantly restricts a dog's movement. A tether can also become tangled around or hooked on the dog's shelter structure or other objects, further restricting the dog's movement and potentially causing injury.”***

We have a moral obligation, as human beings, to treat animals humanely. This is not an animal rights issue, but an animal cruelty and a public safety issue. For the protection of Hawaii's dogs against further cruelty and for the safety of Hawaii's residents from the increased probability for dog bites, please, enact this anti-tethering legislation.

Sincerely and respectfully,

John and Elizabeth Campbell  
Waianae, HI



Susan Miyao

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**From:** Gerri Cadiz [gcadiz@hawaii.rr.com]  
**Sent:** Thursday, February 12, 2009 4:50 PM  
**To:** JGO Testimony  
**Subject:** SB 1086

STRONGLY SUPPORT temporary restraining order to include care and treatment of pets.  
Animal abuse is part of family violence.

Gerri Cadiz  
Board Member of Hawaiian Humane Society

Susan Miyao

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**From:** Gerri Cadiz [gcadiz@hawaii.rr.com]  
**Sent:** Thursday, February 12, 2009 4:56 PM  
**To:** JGO Testimony  
**Subject:** SB488

STRONGLY SUPPORT the prohibition of tethering or restraining of companion animals with chains, ropes, choke, or pinch collars.  
This is a cruel and unnatural method of containing an animal and often leads to producing aggression in the animal, accidental deaths, and pain and suffering.

Gerri Cadiz  
President, Hawaiian Kennel Club