

§711-1109 Cruelty to animals in the second degree. (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 to, 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; provided that the handling or extermination of any insect, vermin, or other pest is conducted in accordance with standard and acceptable pest control practices and all applicable laws and regulations;
- (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 to a doghouse, tree, fence, or any other stationary object by means of a choke collar, pinch collar, or prong collar; 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) Subsection (1)(a), (b), (c), (e), (f), (g), and (h) shall not apply to:

- (a) Accepted veterinary practices;
- (b) Activities carried on for scientific research governed by standards of accepted educational or medicinal practices; or
- (c) Pest control operations conducted pursuant to chapter 149A by a pest control operator licensed pursuant to chapter 460J, if the pest control is performed under a written contract.

(3) Whenever any animal is so severely injured that there is no reasonable probability that its life or usefulness can be saved, the animal may be immediately destroyed without creating any offense under this section.

(4) Cruelty to animals in the second degree is a misdemeanor, except where the offense involves ten or more pet animals in any one instance which is a class C felony. [L 1972, c 9, pt of §1; am L 1986, c 192, §§1, 2; am L 1998, c 173, §2; am L 2007, c 114, §4; am L 2009, c 160, §1; am L 2011, c 226, §1; am L 2013, c 210, §2]

Law Journals and Reviews

Cruelty to Animals: Recognizing Violence Against Nonhuman Victims. 23 UH L. Rev. 307 (2000).

Case Notes

Constitutionality upheld. 61 H. 136, 597 P.2d 590 (1979).