

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 732

Introduced by Assembly Member Hancock

February 19, 2003

An act to add Sections 599g and 599h to the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 732, as amended, Hancock. Crime.

Existing law generally prohibits cruelty to animals. Existing law also provides that any person who subjects an animal to unnecessary cruelty or deprives it of necessary food, drink, or shelter is guilty of a crime punishable by imprisonment in a county jail or in the state prison, by a fine not exceeding \$20,000, or by both imprisonment and fine.

This bill would provide that any person who confines or tethers a pig during pregnancy so that the pig is unable to turn around freely is guilty of a crime punishable by imprisonment in a county jail for a period of one year, a fine of up to \$1,000, or by both that imprisonment and fine, as specified. This bill would also provide that any person who raises a calf in conditions under which it is tethered, *and* unable to turn around freely, lie down with its legs and neck outstretched, and ~~free to~~ groom itself is guilty of a crime punishable by imprisonment in a county jail for a period of one year, a fine of up to \$1,000, or by both that imprisonment and fine. Because this bill would create new crimes, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 599g is added to the Penal Code, to read:
- 2 599g. (a) Any person who confines in an enclosure or tethers
- 3 a pig during pregnancy so that the pig is unable to turn around
- 4 freely is guilty of a crime punishable by imprisonment in a county
- 5 jail for a period of one year, a fine of up to one thousand dollars
- 6 (\$1,000), or by both that imprisonment and fine.
- 7 (b) This section shall not apply if the pig is undergoing an
- 8 examination, test, treatment, or operation carried out for
- 9 veterinary purposes provided that the period during which the pig
- 10 is confined or tethered is not longer that is reasonably necessary.
- 11 SEC. 2. Section 599h is added to the Penal Code, to read:
- 12 599h. Any person who raises a calf in conditions under which
- 13 it is tethered, ~~and~~ unable to turn around freely, lie down with its
- 14 legs and neck outstretched, and ~~free to~~ groom itself is guilty of a
- 15 crime punishable by imprisonment in a county jail for a period of
- 16 one year, a fine of up to one thousand dollars (\$1,000), or by both
- 17 that imprisonment and fine.
- 18 SEC. 3. No reimbursement is required by this act pursuant to
- 19 Section 6 of Article XIII B of the California Constitution because
- 20 the only costs that may be incurred by a local agency or school
- 21 district will be incurred because this act creates a new crime or
- 22 infraction, eliminates a crime or infraction, or changes the penalty
- 23 for a crime or infraction, within the meaning of Section 17556 of
- 24 the Government Code, or changes the definition of a crime within
- 25 the meaning of Section 6 of Article XIII B of the California
- 26 Constitution.

