
Introduced by Senator Soto

February 8, 2005

An act to amend Sections 597b, 597c, and 597j of the Penal Code, relating to animal fighting exhibitions.

LEGISLATIVE COUNSEL'S DIGEST

SB 156, as introduced, Soto. Animal fighting exhibitions.

Existing law generally prohibits persons from causing or permitting specified animals to engage in fighting, and prohibits owning or training specified animals for those purposes. Existing law provides that these offenses are misdemeanors with various penalties, and that subsequent violations of these provisions are misdemeanors with additional specified penalties.

This bill would provide that subsequent violations of these provisions are felonies with prescribed penalties.

By changing the definition of existing crimes, this bill 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 597b of the Penal Code is amended to
2 read:

1 597b. (a) Except as provided in subdivision (b), any person
2 who, for amusement or gain, causes any bull, bear, or other
3 animal, not including any dog, to fight with like kind of animal
4 or creature, or causes any animal, including any dog, to fight
5 with a different kind of animal or creature, or with any human
6 being; or who, for amusement or gain, worries or injures any
7 bull, bear, dog, or other animal, or causes any bull, bear, or other
8 animal, not including any dog, to worry or injure each other; and
9 any person who permits the same to be done on any premises
10 under his or her charge or control; and any person who aids,
11 abets, or is present at the fighting or worrying of an animal or
12 creature, as a spectator, is guilty of a misdemeanor.

13 (b) Notwithstanding subdivision (a), any person who, for
14 amusement or gain, causes any cock to fight with another cock or
15 with a different kind of animal or creature or with any human
16 being; or who, for amusement or gain, worries or injures any
17 cock, or causes any cock to worry or injure another animal; and
18 any person who permits the same to be done on any premises
19 under his or her charge or control, and any person who aids or
20 abets the fighting or worrying of any cock is guilty of a
21 misdemeanor punishable by imprisonment in a county jail for a
22 period not to exceed one year, by a fine not to exceed five
23 thousand dollars (\$5,000), or by both that imprisonment and fine.

24 (c) A second or subsequent conviction of this section, Section
25 597c, or Section 597j is a ~~misdemeanor~~ *felony* punishable by
26 imprisonment in ~~a county jail~~ *the state prison* for a period ~~not to~~
27 ~~exceed one year~~ *16 months, two, or three years*, by a fine not to
28 exceed twenty-five thousand dollars (\$25,000), or by both that
29 imprisonment and fine, except in unusual circumstances where
30 the interests of justice would be better served by the imposition
31 of a lesser sentence.

32 (d) For the purposes of this section, aiding and abetting a
33 violation of this section shall consist of something more than
34 merely being present or a spectator at a place where a violation is
35 occurring.

36 SEC. 2. Section 597c of the Penal Code is amended to read:

37 597c. (a) Except as provided in subdivision (b), whoever
38 owns, possesses, keeps, or trains any animal with the intent that
39 the animal shall be engaged in an exhibition of fighting; or is
40 present at any place, building, or tenement where preparations

1 are being made for an exhibition of the fighting of animals with
2 the intent to be present at that exhibition; or is present at that
3 exhibition, is guilty of a misdemeanor.

4 (b) Notwithstanding subdivision (a), whoever owns, possesses,
5 keeps, or trains any cock or other bird with the intent that the
6 cock or other bird shall be engaged in an exhibition of fighting is
7 guilty of a crime punishable by imprisonment in a county jail for
8 a period not to exceed one year, by a fine not to exceed five
9 thousand dollars (\$5,000), or by both that imprisonment and fine.

10 (c) A second or subsequent conviction of this section, Section
11 597b, or Section 597j is a ~~misdemeanor~~ *felony* punishable by
12 imprisonment in ~~a county jail for a period not to exceed one year~~
13 *the state prison for 16 months, two, or three years*, by a fine not
14 to exceed twenty-five thousand dollars (\$25,000), or by both that
15 imprisonment and fine, except in unusual circumstances where
16 the interests of justice would be better served by the imposition
17 of a lesser sentence.

18 (d) This section shall not apply to an exhibition of fighting of
19 a dog with another dog.

20 SEC. 3. Section 597j of the Penal Code is amended to read:

21 597j. (a) Any person who owns, possesses, keeps, or trains
22 any bird or animal with the intent that it be used or engaged by
23 himself or herself, by his or her vendee, or by any other person in
24 an exhibition of fighting is guilty of a misdemeanor punishable
25 by imprisonment in a county jail for a period not to exceed one
26 year, by a fine not to exceed five thousand dollars (\$5,000), or by
27 both that imprisonment and fine.

28 (b) This section shall not apply to an exhibition of fighting of
29 a dog with another dog.

30 (c) A second or subsequent conviction of this section, Section
31 597b, or Section 597c is a ~~misdemeanor~~ *felony* punishable by
32 imprisonment in ~~a county jail for a period not to exceed one year~~
33 *the state prison for 16 months, two, or three years*, by a fine not
34 to exceed twenty-five thousand dollars (\$25,000), or by both that
35 imprisonment and fine, except in unusual circumstances where
36 the interests of justice would be better served by the imposition
37 of a lesser sentence.

38 SEC. 4. No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution because
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the
3 penalty for a crime or infraction, within the meaning of Section
4 17556 of the Government Code, or changes the definition of a
5 crime within the meaning of Section 6 of Article XIII B of the
6 California Constitution.

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