

AMENDED IN SENATE AUGUST 13, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3073**

---

---

**Introduced by Committee on Governmental Organization (Torrico (Chair), Charles Calderon, Davis, De Leon, Evans, Jeffries, Levine, Mendoza, Portantino, Price, Soto, and Tran)**

March 13, 2008

---

---

An act to amend Section 19549 of the Business and Professions Code, ~~and~~ to amend Section 4058 of the Food and Agricultural Code, *and to amend Section 337f of the Penal Code*, relating to horse racing.

LEGISLATIVE COUNSEL'S DIGEST

AB 3073, as amended, Committee on Governmental Organization. Horse racing: ~~racing days~~.

Existing law provides that the jurisdiction and supervision over meetings in this state where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the California Horse Racing Board. This jurisdiction includes the authority to allocate racing days and weeks to racing associations and fairs, as provided. Existing law permits the board to allocate up to 14 racing days to a fair each year, with specified exceptions, and provides that these 14 days shall be during the period in which general fair activities are conducted.

This bill would delete the requirement that the racing days be during the period in which general fair activities are conducted. The bill would also make conforming changes.

*Existing law makes it an offense for any person to influence, induce, or conspire with any owner, jockey, groom, or other person associated*

*with or interested in any stable, horse, or race in which a horse participates, to affect the result of that race, as specified.*

*This bill would add trainers to the list of parties whom a person may not influence, induce, or conspire with to affect race results.*

*Existing law forbids, among other things, the administration of drugs to a horse to affect race results, but exempts from the definition of drugs for this purpose recognized vitamins or supplemental feeds approved by the veterinarian representing the California Horse Racing Board.*

*This bill would instead exempt recognized vitamins or supplemental feeds approved by or in compliance with the rules and regulations of the board. The bill would make other technical and nonsubstantive changes to these provisions.*

*By expanding the scope of an existing offense, 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: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

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

- 1 SECTION 1. Section 19549 of the Business and Professions
- 2 Code is amended to read:
- 3 19549. Except as provided in Section 19549.1, the maximum
- 4 number of racing days that may be allocated to a fair shall be 14
- 5 days each year. However, any fair racing association that conducted
- 6 racing in the central or southern zone prior to January 1, 1980,
- 7 shall be entitled to be allocated up to three weeks of racing. The
- 8 board shall take public testimony and make all determinations on
- 9 the allocation of racing dates during a public hearing. All
- 10 discussions of allocating racing dates by the board or its
- 11 subcommittees shall be conducted during a public hearing. Nothing
- 12 in this section diminishes the authority of the board to establish
- 13 racing dates.
- 14 SEC. 2. Section 4058 of the Food and Agricultural Code is
- 15 amended to read:

1 4058. (a) Notwithstanding Section 4052, the California  
 2 Exposition and State Fair, a district agricultural association fair,  
 3 or county fair in the northern zone, with the approval of the  
 4 Department of Food and Agriculture, may form an entity for  
 5 conducting combined fair horse racing meetings and utilize their  
 6 racing facilities for conducting horse racing meetings, with  
 7 parimutuel wagering, on days other than the days on which general  
 8 fair activities are conducted.

9 (b) The association shall designate certain days of a mixed breed  
 10 meeting held pursuant to this section as charity days with the  
 11 proceeds therefrom to be distributed in accordance with Sections  
 12 19550 and 19556 of the Business and Professions Code.

13 (c) The association shall encourage the racing of emerging  
 14 breeds of horses.

15 *SEC. 3. Section 337f of the Penal Code is amended to read:*

16 337f. (a) Any person: ~~(a) Who influences, who does any of~~  
 17 ~~the following is punishable by a fine not exceeding five thousand~~  
 18 ~~dollars (\$5,000), or by imprisonment in the state prison or in a~~  
 19 ~~county jail not exceeding one year, or by both that fine and~~  
 20 ~~imprisonment:~~

21 (1) ~~Influences, or induces, or conspires with, any owner, trainer,~~  
 22 ~~jockey, groom, or other person associated with or interested in any~~  
 23 ~~stable, horse, or race in which a horse participates, to affect the~~  
 24 ~~result of such that race by stimulating or depressing a horse through~~  
 25 ~~the administration of any drug to such that horse, or by the use of~~  
 26 ~~any electrical device or any electrical equipment or by any~~  
 27 ~~mechanical or other device not generally accepted as regulation~~  
 28 ~~racing equipment, or~~

29 ~~(b) Who so or so stimulates or depresses a horse, or.~~

30 ~~(c) Who knowingly~~

31 (2) ~~Knowingly enters any horse in any race within a period of~~  
 32 ~~24 hours after any drug has been administered to such that horse~~  
 33 ~~for the purpose of increasing or retarding the speed of such horse,~~  
 34 ~~is punishable by a fine not exceeding five thousand dollars~~  
 35 ~~(\$5,000), or by imprisonment in the state prison, or in a county~~  
 36 ~~jail not exceeding one year, or by both such fine and imprisonment,~~  
 37 ~~or that horse.~~

38 ~~(d) Who willfully~~

39 (3) ~~Willfully or unjustifiably enters or races any horse in any~~  
 40 ~~running or trotting race under any name or designation other than~~

1 the name or designation assigned to ~~such~~ *that* horse by and  
 2 registered with the Jockey Club or the United States Trotting  
 3 Association or ~~who~~ willfully sets on foot, instigates, engages in  
 4 or in any way furthers any act by which any horse is entered or  
 5 raced in any running or trotting race under any name or designation  
 6 other than the name or designation duly assigned by and registered  
 7 with the Jockey Club or the United States Trotting Association ~~is~~  
 8 ~~guilty of a felony and punishable by imprisonment in the state~~  
 9 ~~prison, or by a fine not exceeding five thousand dollars (\$5,000)~~  
 10 ~~or by both such fine and imprisonment.~~

11 ~~The~~  
 12 *(b) For purposes of this section, the term “drug” includes all*  
 13 *substances recognized as having the power of stimulating or*  
 14 *depressing the central nervous system, respiration, or blood*  
 15 *pressure of an animal, such as narcotics, hypnotics, benzedrine or*  
 16 *its derivatives, but shall not include recognized vitamins or*  
 17 *supplemental feeds approved by the veterinarian representing the*  
 18 ~~California Racing Board~~ *or in compliance with the rules and*  
 19 *regulations or policies of the California Horse Racing Board.*

20 *SEC. 4. No reimbursement is required by this act pursuant to*  
 21 *Section 6 of Article XIII B of the California Constitution because*  
 22 *the only costs that may be incurred by a local agency or school*  
 23 *district will be incurred because this act creates a new crime or*  
 24 *infraction, eliminates a crime or infraction, or changes the penalty*  
 25 *for a crime or infraction, within the meaning of Section 17556 of*  
 26 *the Government Code, or changes the definition of a crime within*  
 27 *the meaning of Section 6 of Article XIII B of the California*  
 28 *Constitution.*