

AMENDED IN ASSEMBLY APRIL 21, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 242

Introduced by Assembly Member Nava

(Coauthor: Assembly Member Yamada)

(Coauthors: Senators Cox, DeSaulnier, Florez, and Strickland)

February 10, 2009

An act to amend Section 597.5 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 242, as amended, Nava. Dog fighting.

Existing law provides that the crime of dog fighting is a felony or a misdemeanor, punishable as specified. Existing law provides that the crime of being a spectator at a dog fight is a misdemeanor *punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not to exceed \$1,000, or by both that imprisonment and fine.*

This bill would increase the penalties for these crimes by providing instead that the crime of dog fighting is a felony punishable by imprisonment in ~~a~~ *the* state prison for 16 months or 2 or 3 years and by a ~~specified~~ *fine not to exceed \$50,000*, and the crime of being a spectator at a dog fight is ~~punishable as a misdemeanor or a felony, as specified~~ *punishable by imprisonment in a county jail not to exceed one year, or by a fine not to exceed \$5,000, or by both that imprisonment and fine.* Because ~~certain~~ *it would impose local prosecution and incarceration costs are added at the local level when a misdemeanor is made a felony,* 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 597.5 of the Penal Code is amended to
2 read:

3 597.5. (a) Any person who does any of the following is guilty
4 of a felony and is punishable by imprisonment in a state prison for
5 16 months, or two or three years, and by a fine not to exceed fifty
6 thousand dollars (\$50,000):

7 (1) Owns, possesses, keeps, or trains any dog, with the intent
8 that the dog shall be engaged in an exhibition of fighting with
9 another dog.

10 (2) For amusement or gain, causes any dog to fight with another
11 dog, or causes any dogs to injure each other.

12 (3) Permits any act in violation of paragraph (1) or (2) to be
13 done on any premises under his or her charge or control, or aids
14 or abets that act.

15 (b) Any person who is knowingly present, as a spectator, at any
16 place, building, or tenement where preparations are being made
17 for an exhibition of the fighting of dogs, with the intent to be
18 present at those preparations, or is knowingly present at that
19 exhibition or at any other fighting or injuring as described in
20 paragraph (2) of subdivision (a), with the intent to be present at
21 that exhibition, fighting, or injuring, is guilty of an offense
22 punishable by ~~imprisonment in the state prison for 16 months, or~~
23 ~~two or three years, or by imprisonment in a county jail not to~~
24 ~~exceed one year, or by a fine not to exceed one thousand dollars~~
25 ~~(\$1,000) five thousand dollars (\$5,000), or by both that~~
26 imprisonment and fine.

27 (c) Nothing in this section shall prohibit any of the following:

28 (1) The use of dogs in the management of livestock, as defined
29 by Section 14205 of the Food and Agricultural Code, by the owner

1 of the livestock or his or her employees or agents or other persons
2 in lawful custody thereof.

3 (2) The use of dogs in hunting as permitted by the Fish and
4 Game Code, including, but not limited to, Sections 3286, 3509,
5 3510, 4002, and 4756, and by the rules and regulations of the Fish
6 and Game Commission.

7 (3) The training of dogs or the use of equipment in the training
8 of dogs for any purpose not prohibited by law.

9 SEC. 2. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.