

**Introduced by Senator Florez**

February 10, 2009

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An act to amend Section 597n of the Penal Code, relating to animal abuse.

LEGISLATIVE COUNSEL'S DIGEST

SB 135, as introduced, Florez. Animal abuse: cattle: tail docking.

Existing law makes it a misdemeanor for any person to cut the solid part of the tail of any horse in the operation known as "docking."

This bill would likewise prohibit the docking of cattle, as defined, except as specified. By expanding the scope of an existing crime, 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 597n of the Penal Code is amended to
- 2 read:
- 3 597n. (a) Any person who cuts the solid part of the tail of any
- 4 horse *or cattle* in the operation known as "docking," or in any
- 5 other operation performed for the purpose of shortening the tail
- 6 of any horse *or cattle*, within the State of California, or procures
- 7 the same to be done, or imports or brings into this state any docked

1 ~~horse, or horses~~ *animal*, or drives, works, uses, races, or deals in  
2 any unregistered docked horse, or horses, within the State of  
3 California except as provided in Section 597r, is guilty of a  
4 misdemeanor.

5 *(b) Subdivision (a) shall not apply to “docking” performed*  
6 *during an individual treatment, emergency, or operation, if the*  
7 *treatment or operation is performed by a veterinarian for*  
8 *veterinary purposes, provided that the treatment or operation is*  
9 *performed under the following conditions:*

10 *(1) The animal has been adequately anesthetized to minimize*  
11 *the animal’s pain and suffering during the treatment or operation.*

12 *(2) In such a way as to minimize the long-term pain and*  
13 *suffering resulting from the treatment or operation.*

14 *(3) Using only suitable instruments.*

15 *(4) In hygienic conditions.*

16 *(c) For the purposes of this section, “cattle” means any animal*  
17 *of the bovine species.*

18 SEC. 2. 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.