

Senate Bill No. 135

Passed the Senate September 8, 2009

Secretary of the Senate

Passed the Assembly September 3, 2009

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

SB 135, 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, but would exclude from the application of the crime of cattle docking emergency veterinary treatment performed, 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.

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

SECTION 1. Section 597n of the Penal Code is amended to read:

597n. (a) Any person who cuts the solid part of the tail of any horse or cattle in the operation known as “docking,” or in any other operation performed for the purpose of shortening the tail of any horse or cattle, within the State of California, or procures the same to be done, or imports or brings into this state any docked horse, or horses, or drives, works, uses, races, or deals in any unregistered docked horse, or horses, within the State of California except as provided in Section 597r, is guilty of a misdemeanor.

(b) Subdivision (a) shall not apply to “docking” when the solid part of any cattle’s tail must be removed in an emergency for the purpose of saving the cattle’s life or relieving the cattle’s pain, provided that the emergency treatment is performed consistent

with the Veterinary Medicine Practice Act (commencing with Section 4811) of Article 1 of Chapter 11 of Division 2 of the Business and Professions Code.

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

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

Approved _____, 2009

Governor