

AMENDED IN SENATE MAY 11, 2010  
AMENDED IN SENATE APRIL 20, 2010

**SENATE BILL**

**No. 1345**

---

---

**Introduced by Senator Calderon**

February 19, 2010

---

---

An act to amend Section 653o of the Penal Code, relating to dead animal parts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1345, as amended, Calderon. Prohibited importation of dead animal parts.

Existing law, subject to exceptions, makes it an offense to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or any part or product thereof, of specified animals, including kangaroos. Existing law, until January 1, 2011, provides an exception to these provisions for kangaroos that may be harvested lawfully under Australian national and state law, the federal Endangered Species Act, and applicable international conventions, as specified, with the operation of the exception being contingent upon the Department of Fish and Game being annually informed by the Australian government of specified information pertaining to the commercial harvesting of kangaroos in Australia, as specified.

This bill would require the annual information provided by the Australian government to the Department of Fish and Game to be in writing *and to be provided by May 1* for this kangaroo exception to apply. The bill would also *revise the information to be provided and* extend the repeal date of the exception to January 1, 2016.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

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

1 SECTION 1. Section 653o of the Penal Code, as amended by  
2 Section 1 of Chapter 15 of the Statutes of 2009, is amended to  
3 read:

4 653o. (a) It is unlawful to import into this state for commercial  
5 purposes, to possess with intent to sell, or to sell within the state,  
6 the dead body, or any part or product thereof, of any polar bear,  
7 leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf (*Canis*  
8 *lupus*), zebra, whale, cobra, python, sea turtle, colobus monkey,  
9 kangaroo, vicuna, sea otter, free-roaming feral horse, dolphin or  
10 porpoise (*Delphinidae*), Spanish lynx, or elephant.

11 (b) (1) Commencing January 1, 2015, it shall be unlawful to  
12 import into this state for commercial purposes, to possess with  
13 intent to sell, or to sell within the state, the dead body, or any part  
14 or product thereof, of any crocodile or alligator.

15 (2) This subdivision shall not be construed to authorize the  
16 importation or sale of any alligator or crocodilian species, or any  
17 products thereof, that are listed as endangered under the federal  
18 Endangered Species Act, or to allow the importation or sale of any  
19 alligator or crocodilian species, or any products thereof, in violation  
20 of any federal law or any international treaty to which the United  
21 States is a party.

22 (c) (1) This section shall not apply to kangaroos that may be  
23 harvested lawfully under Australian national and state law, the  
24 federal Endangered Species Act of 1971 (16 U.S.C. Sec. 1531 et  
25 seq.), and applicable international conventions, provided that the  
26 Department of Fish and Game is annually informed in writing, *by*  
27 *May 1*, by the Australian government that the commercial harvest  
28 of kangaroos in any future year will not exceed the official quota  
29 established for 2007 or the lawful take of kangaroos in each  
30 subsequent year, ~~whichever is the lesser.~~ *for that year, consistent*  
31 *with Australian national and state law, and of the sustainability*  
32 *principles on which that quota is based.*

33 (2) If the department fails to receive the report described in  
34 paragraph (1), the department shall inform the Australian national  
35 government that future importation of kangaroos that otherwise  
36 may be harvested lawfully under Australian national and state law,  
37 the federal Endangered Species Act of 1971 (16 U.S.C. Sec. 1531  
38 et seq.), and applicable international conventions shall be halted

1 and their importation into this state for commercial purposes,  
2 possession with intent to sell, or sale within the state will be subject  
3 to the provisions of this section.

4 (d) Any person who violates any provision of this section is  
5 guilty of a misdemeanor and shall be subject to a fine of not less  
6 than one thousand dollars (\$1,000) and not to exceed five thousand  
7 dollars (\$5,000) or imprisonment in the county jail not to exceed  
8 six months, or both that fine and imprisonment, for each violation.

9 (e) The prohibitions against importation for commercial  
10 purposes, possession with intent to sell, and sale of the species  
11 listed in this section are severable. A finding of the invalidity of  
12 any one or more prohibitions shall not affect the validity of any  
13 remaining prohibitions.

14 (f) This section shall remain in effect only until January 1, 2016,  
15 and as of that date is repealed, unless a later enacted statute, that  
16 is enacted before January 1, 2016, deletes or extends that date.

17 SEC. 2. Section 6530 of the Penal Code, as amended by Section  
18 2 of Chapter 15 of the Statutes of 2009, is amended to read:

19 6530. (a) It is unlawful to import into this state for commercial  
20 purposes, to possess with intent to sell, or to sell within the state,  
21 the dead body, or any part or product thereof, of any polar bear,  
22 leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf (*Canis*  
23 *lupus*), zebra, whale, cobra, python, sea turtle, colobus monkey,  
24 kangaroo, vicuna, sea otter, free-roaming feral horse, dolphin or  
25 porpoise (*Delphinidae*), Spanish lynx, or elephant.

26 (b) (1) Commencing January 1, 2015, it shall be unlawful to  
27 import into this state for commercial purposes, to possess with  
28 intent to sell, or to sell within the state, the dead body, or any part  
29 or product thereof, of any crocodile or alligator.

30 (2) This subdivision shall not be construed to authorize the  
31 importation or sale of any alligator or crocodilian species, or any  
32 products thereof, that are listed as endangered under the federal  
33 Endangered Species Act, or to allow the importation or sale of any  
34 alligator or crocodilian species, or any products thereof, in violation  
35 of any federal law or any international treaty to which the United  
36 States is a party.

37 (c) Any person who violates any provision of this section is  
38 guilty of a misdemeanor and shall be subject to a fine of not less  
39 than one thousand dollars (\$1,000) and not to exceed five thousand  
40 dollars (\$5,000) or imprisonment in the county jail not to exceed

1 six months, or both ~~the~~ *that* fine and imprisonment, for each  
2 violation.

3 (d) The prohibitions against importation for commercial  
4 purposes, possession with intent to sell, and sale of the species  
5 listed in this section are severable. A finding of the invalidity of  
6 any one or more prohibitions shall not affect the validity of any  
7 remaining prohibitions.

8 (e) This section shall become operative on January 1, 2016.