

AMENDED IN SENATE MARCH 29, 2012

**SENATE BILL**

**No. 1145**

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**Introduced by Senator Emmerson**

*(Coauthors: Senators Alquist, Cannella, Hancock, Liu, Strickland,  
Walters, Wolk, and Yee)*

*(Coauthors: Assembly Members Jeffries and Miller)*

February 21, 2012

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An act to amend Sections 597b and, 597c, 597i, and 597j of the Penal Code, relating to animal fighting.

LEGISLATIVE COUNSEL'S DIGEST

SB 1145, as amended, Emmerson. Animal fighting.

Existing law prohibits a person, for amusement or gain, from causing, permitting on his or her premises, or aiding and abetting in the fighting of specified animals, *including bears and dogs*. A violation of this prohibition is a misdemeanor punishable by imprisonment in a county jail for a period not to exceed one year, or by a fine not to exceed \$5,000, or by both.

This bill would raise the fine to \$10,000.

Existing law makes it a misdemeanor to knowingly be present as a spectator at any place, building, or tenement for an exhibition of animal fighting or for preparations for that act. A violation of this prohibition is punishable by imprisonment in a county *jail* for a period not to exceed 6 months, or by a fine not to exceed \$1,000, or by both.

This bill would raise the fine to \$5,000.

*Existing law makes it a misdemeanor to manufacture, buy, sell, barter, exchange, or for a person to have in his or her possession any of the implements commonly known as gaffs or slashers, or any other sharp implement designed to be attached in place of the natural spur of a*

*gamecock or other fighting bird. A violation of this prohibition is a misdemeanor punishable by imprisonment in a county jail for a period not to exceed one year, by a fine not to exceed \$5,000, or by both, and upon conviction, in addition to any judgment or sentence imposed by the court, forfeiture of possession or ownership of those implements.*

*This bill would raise the fine to \$10,000.*

*Existing law prohibits a person from owning, possessing, keeping, or training any bird or other animal with the intent that it be used or engaged by himself or herself, by his or her vendee, or by any other person in an exhibition of fighting. A person who violates this prohibition is guilty of a misdemeanor punishable by imprisonment in a county jail for a period not to exceed one year, by a fine not to exceed \$5,000, or by both.*

*This bill would raise the fine to \$10,000.*

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 597b of the Penal Code is amended to  
2 read:  
3 597b. (a) Except as provided in subdivisions (b) and (c), any  
4 person who, for amusement or gain, causes any bull, bear, or other  
5 animal, not including any dog, to fight with like kind of animal or  
6 creature, or causes any animal, including any dog, to fight with a  
7 different kind of animal or creature, or with any human being, or  
8 who, for amusement or gain, worries or injures any bull, bear, dog,  
9 or other animal, or causes any bull, bear, or other animal, not  
10 including any dog, to worry or injure each other, or any person  
11 who permits the same to be done on any premises under his or her  
12 charge or control, or any person who aids or abets the fighting or  
13 worrying of an animal or creature, is guilty of a misdemeanor  
14 punishable by imprisonment in a county jail for a period not to  
15 exceed one year, by a fine not to exceed ten thousand dollars  
16 (\$10,000), or by both that imprisonment and fine.  
17 (b) Any person who, for amusement or gain, causes any cock  
18 to fight with another cock or with a different kind of animal or  
19 creature or with any human being; or who, for amusement or gain,  
20 worries or injures any cock, or causes any cock to worry or injure  
21 another animal; and any person who permits the same to be done

1 on any premises under his or her charge or control, and any person  
2 who aids or abets the fighting or worrying of any cock is guilty of  
3 a misdemeanor punishable by imprisonment in a county jail for a  
4 period not to exceed one year, or by a fine not to exceed ten  
5 thousand dollars (\$10,000), or by both that imprisonment and fine.

6 (c) A second or subsequent conviction of this section is a  
7 misdemeanor or a felony punishable by imprisonment in a county  
8 jail for a period not to exceed one year or the state prison for 16  
9 months, two, or three years, by a fine not to exceed twenty-five  
10 thousand dollars (\$25,000), or by both that imprisonment and fine,  
11 except in unusual circumstances in which the interests of justice  
12 would be better served by the imposition of a lesser sentence.

13 (d) For the purposes of this section, aiding and abetting a  
14 violation of this section shall consist of something more than  
15 merely being present or a spectator at a place where a violation is  
16 occurring.

17 SEC. 2. Section 597c of the Penal Code is amended to read:

18 597c. Any person who is knowingly present as a spectator at  
19 any place, building, or tenement for an exhibition of animal  
20 fighting, or who is knowingly present at that exhibition or is  
21 knowingly present where preparations are being made for the acts  
22 described in subdivision (a) or (b) of Section 597b, is guilty of a  
23 misdemeanor punishable by imprisonment in a county jail for a  
24 period not to exceed six months, or by a fine of five thousand  
25 dollars (\$5,000), or by both that imprisonment and fine.

26 SEC. 3. Section 597i of the Penal Code is amended to read:

27 597i. (a) It shall be unlawful for anyone to manufacture, buy,  
28 sell, barter, exchange, or have in his or her possession any of the  
29 implements commonly known as gaffs or slashers, or any other  
30 sharp implement designed to be attached in place of the natural  
31 spur of a gamecock or other fighting bird.

32 (b) Any person who violates any of the provisions of this section  
33 is guilty of a misdemeanor punishable by imprisonment in a county  
34 jail for a period not to exceed one year, by a fine not to exceed  
35 ~~five thousand dollars (\$5,000)~~ *ten thousand dollars (\$10,000)*, or  
36 by both that imprisonment and fine and upon conviction thereof  
37 shall, in addition to any judgment or sentence imposed by the court,  
38 forfeit possession or ownership of those implements.

39 SEC. 4. Section 597j of the Penal Code is amended to read:

1 597j. (a) Any person who owns, possesses, keeps, or trains  
2 any bird or other animal with the intent that it be used or engaged  
3 by himself or herself, by his or her vendee, or by any other person  
4 in an exhibition of fighting as described in Section 597b is guilty  
5 of a misdemeanor punishable by imprisonment in a county jail for  
6 a period not to exceed one year, by a fine not to exceed ~~five~~  
7 ~~thousand dollars (\$5,000)~~ *ten thousand dollars (\$10,000)*, or by  
8 both that imprisonment and fine.

9 (b) This section shall not apply to an exhibition of fighting of  
10 a dog with another dog.

11 (c) A second or subsequent conviction of this section is a  
12 misdemeanor punishable by imprisonment in a county jail for a  
13 period not to exceed one year or by a fine not to exceed twenty-five  
14 thousand dollars (\$25,000), or by both that imprisonment and fine,  
15 except in unusual circumstances in which the interests of justice  
16 would be better served by the imposition of a lesser sentence.