

AMENDED IN ASSEMBLY APRIL 11, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

AMENDED IN ASSEMBLY MARCH 18, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 343

Introduced by Assembly Member Patterson
(Coauthors: Assembly Members Achadjian, Bigelow, Chávez, Dahle,
Logue, and Maienschein)
(Coauthor: Senator Nielsen)

February 13, 2013

An act to add Chapter 9 (commencing with Section 17200) to Part 1 of Division 9 of the Food and Agricultural Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 343, as amended, Patterson. Animal cruelty: duty to ~~report~~—*provide documentary evidence*.

Existing law establishes a variety of offenses relating to cruelty to animals.

Existing law generally provides that a person that violates certain animal at-large provisions is guilty of a misdemeanor and upon conviction is required to be punished by a fine of not less than \$100 nor more than \$1,000, by imprisonment of not less than 10 days nor more than 1 year, or by both the fine and imprisonment, as prescribed.

This bill would require any person, *with certain exceptions*, who willfully or knowingly ~~photographs, records, or videotapes~~ *documents evidence of animal cruelty to provide a copy of the* ~~photograph, recording, or videotape~~ *documentary evidence obtained to local law enforcement within 48* ~~120~~ *hours of taking the photograph, recording,*

~~or videotape documentation~~, and would make a violation of this requirement an infraction punishable by a fine of \$250. ~~The bill would encourage the person to provide a copy of the photograph, recording, or videotape to the owner of the animal or poultry, or a representative of the owner. The bill would provide that a person shall not be civilly or criminally liable for providing documentary evidence of suspected animal cruelty as required by the bill, or for providing a law enforcement agency with information about the person or employer suspected of animal cruelty.~~ The bill would define animal cruelty for its purposes as any act involving an animal, as defined, or poultry, as defined, described in prescribed criminal offenses. *The bill would enact other related provisions.*

Because a violation of the requirement to provide a copy of ~~the photograph, recording, or videotape~~ *documentary evidence of animal cruelty* to local law enforcement, as prescribed, would be an infraction, this bill would impose a state-mandated local program by creating a new crime.

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. Chapter 9 (commencing with Section 17200) is
2 added to Part 1 of Division 9 of the Food and Agricultural Code,
3 to read:

4

5

CHAPTER 9. DUTY TO REPORT ANIMAL CRUELTY

6

7 17200. (a) (1) Any person, *except a person described in*
8 *Section 1070 of the Evidence Code*, who willfully or knowingly
9 *documents evidence of animal cruelty, in the form of film, image,*
10 *photographs, records print, recordings, or videotapes—animal*
11 *cruelty*, shall provide a copy of ~~the photograph, recording, or~~
12 ~~videotape~~ *the applicable form of documentary evidence obtained*
13 *by the person to local law enforcement or an associated animal*

1 ~~control officer within 48~~ 120 hours of ~~taking the photograph,~~
2 ~~recording, or videotape.~~ A violation of this subdivision
3 ~~documentation to assist law enforcement with the timely~~
4 ~~investigation and appropriate enforcement of suspected cases of~~
5 ~~animal cruelty.~~

6 (2) *The withholding of any documentary evidence beyond 120*
7 *hours of documentation shall be an infraction punishable by a fine*
8 *of two hundred fifty dollars (\$250). The fine shall only be imposed*
9 *once against a person for withholding documentary evidence*
10 *related to incidences of animal cruelty involving the same person*
11 *or employer.*

12 (3) *This section does not apply to the inadvertent capture of an*
13 *image otherwise governed by this section through the use of video*
14 *surveillance, security systems, or other imaging systems.*

15 (b) *Nothing in this section shall limit or impede an ongoing*
16 *investigation as long as a copy of the documentary evidence is*
17 *provided to law enforcement as required by subdivision (a).*
18 *Nothing in this section shall require or encourage law enforcement*
19 *agencies to reveal the source of the documentary evidence to the*
20 *employer of the person who is the source of the material or to any*
21 *person who is suspected of animal cruelty.*

22 ~~(b)~~

23 (c) *Retaliation against an employee by an employer for providing*
24 ~~a copy of a photograph, recording, or videotape~~ *documentary*
25 *evidence of suspected animal cruelty as required by subdivision*
26 *(a) is prohibited as provided in Section 1102.5 of the Labor Code.*

27 ~~(e) Any person who willfully or knowingly photographs, records,~~
28 ~~or videotapes animal cruelty is encouraged to provide a copy of~~
29 ~~the photograph, recording, or videotape to the owner of the animal~~
30 ~~or poultry, or a representative of the owner.~~

31 (d) *A person shall not be civilly or criminally liable for*
32 *providing documentary evidence of suspected animal cruelty as*
33 *required by this section.*

34 (e) *Any person providing documentary evidence of suspected*
35 *animal cruelty pursuant to this section who, at the request of a*
36 *law enforcement agency, provides the agency with information*
37 *about the person or employer suspected of animal cruelty shall*
38 *not incur civil or criminal liability as a result of providing that*
39 *information.*

1 (f) *The Department of Food and Agriculture may, but is not*
2 *required to, report to law enforcement or to the district attorney*
3 *an individual suspected of failing to provide documentary evidence*
4 *of suspected animal cruelty as required pursuant to subdivision*
5 *(a).*

6 ~~(g)~~

7 (g) For purposes of this section, the following terms are defined
8 as follows:

9 (1) “Animal” has the meaning set forth in Section 16302.

10 (2) “Animal cruelty” means any act involving an animal or
11 poultry described in one or more of the following provisions:

12 (A) Subdivision (a), (b), or (c) of Section 597 of the Penal Code.

13 (B) Section 597a of the Penal Code.

14 (C) Section 597b of the Penal Code.

15 (D) Section 597c of the Penal Code.

16 (E) Section 597g of the Penal Code.

17 (F) Section 597h of the Penal Code.

18 (G) Section 597k of the Penal Code.

19 (H) Section 597n of the Penal Code.

20 (I) Section 597.1 of the Penal Code.

21 (3) “Poultry” has the meaning set forth in Section 18675.

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