

AMENDED IN SENATE SEPTEMBER 4, 2015

AMENDED IN SENATE SEPTEMBER 1, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1188

Introduced by Assembly Member Gipson

February 27, 2015

An act to ~~amend~~ *repeal and amend* Section 653o of the Penal Code, relating to imported ~~animals~~ *animals*, and *declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1188, as amended, Gipson. Importation or sale of endangered animals.

Existing law makes it unlawful to import into the state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body or other part or product of specified endangered animals, including kangaroos.

This bill would delete the prohibition on the importation, possession with the intent to sell, and selling within the state of kangaroos.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. 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- 2 *Section 1 of Chapter 464 of the Statutes of 2014, is repealed.*

1 ~~6530. (a) It is unlawful to import into this state for commercial~~
2 ~~purposes, to possess with intent to sell, or to sell within the state,~~
3 ~~the dead body, or any part or product thereof, of a polar bear,~~
4 ~~leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf (Canis~~
5 ~~lupus), zebra, whale, cobra, python, sea turtle, colobus monkey,~~
6 ~~kangaroo, vicuna, sea otter, free-roaming feral horse, dolphin or~~
7 ~~porpoise (Delphinidae), Spanish lynx, or elephant.~~

8 ~~(b) (1) Commencing January 1, 2020, it shall be unlawful to~~
9 ~~import into this state for commercial purposes, to possess with~~
10 ~~intent to sell, or to sell within the state, the dead body, or any part~~
11 ~~or product thereof, of a crocodile or alligator.~~

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

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

28 ~~(2) If the department fails to receive the report described in~~
29 ~~paragraph (1), the department shall inform the Australian national~~
30 ~~government that future importation of kangaroos that otherwise~~
31 ~~may be harvested lawfully under Australian national and state law,~~
32 ~~the federal Endangered Species Act of 1971 (16 U.S.C. Sec. 1531~~
33 ~~et seq.), and applicable international conventions shall be halted~~
34 ~~and their importation into this state for commercial purposes,~~
35 ~~possession with intent to sell, or sale within the state will be subject~~
36 ~~to the provisions of this section.~~

37 ~~(d) A person who violates this section is guilty of a misdemeanor~~
38 ~~and shall be subject to a fine of not less than one thousand dollars~~
39 ~~(\$1,000) and not to exceed five thousand dollars (\$5,000) or~~

1 imprisonment in the county jail not to exceed six months, or both
2 that fine and imprisonment, for each violation.

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

11 SECTION 1.

12 SEC. 2. Section 653o of the Penal Code, as amended by Section
13 2 of Chapter 464 of the Statutes of 2014, is amended to read:

14 653o. (a) (1) It is unlawful to import into this state for
15 commercial purposes, to possess with intent to sell, or to sell within
16 the state, the dead body, or any part or product thereof, of a polar
17 bear, leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf
18 (*Canis lupus*), zebra, whale, cobra, python, sea turtle, colobus
19 monkey, vicuna, sea otter, free-roaming feral horse, dolphin or
20 porpoise (*Delphinidae*), Spanish lynx, or elephant.

21 (2) *This subdivision shall not be construed to authorize the*
22 *importation or sale of any kangaroo species that may be harvested*
23 *unlawfully under Australian national and state law, the federal*
24 *Endangered Species Act of 1971 (16 U.S.C. Sec. 1531 et seq.), and*
25 *applicable international conventions.*

26 (b) (1) Commencing January 1, 2020, it is unlawful to import
27 into this state for commercial purposes, to possess with intent to
28 sell, or to sell within the state, the dead body, or any part or product
29 thereof, of a crocodile or alligator.

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

37 (c) A violation of this section is punishable as a misdemeanor
38 and is subject to a fine of not less than one thousand dollars
39 (\$1,000) and not to exceed five thousand dollars (\$5,000) or

1 imprisonment in the county jail not to exceed six months, or both
2 that fine and imprisonment, for each 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.~~

9 *SEC. 3. This act is an urgency statute necessary for the*
10 *immediate preservation of the public peace, health, or safety within*
11 *the meaning of Article IV of the Constitution and shall go into*
12 *immediate effect. The facts constituting the necessity are:*

13 *To allow over 600 retail stores that carry these products in*
14 *California to continue abiding by our current law, and to, as soon*
15 *as possible, avoid the risk of possible litigation as a result of the*
16 *ban.*