

ASSEMBLY BILL

No. 2052

Introduced by Assembly Member Williams

February 17, 2016

An act to amend Section 597 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2052, as introduced, Williams. Animal cruelty.

Existing law makes it a crime, punishable as specified, to maliciously and intentionally maim, mutilate, torture, or wound a living animal, or maliciously and intentionally kill an animal. Existing law also makes it a crime, punishable as specified, to overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, drink, or shelter, cruelly beat, mutilate, or cruelly kill an animal.

This bill would make technical, nonsubstantive changes to these provisions.

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 597 of the Penal Code is amended to
2 read:
3 597. (a) Except as provided in subdivision (c) of this section
4 or Section 599c, ~~every~~ a person who maliciously and intentionally
5 maims, mutilates, tortures, or wounds a living animal, or
6 maliciously and intentionally kills an animal, is guilty of a crime
7 punishable pursuant to subdivision (d).

1 (b) Except as otherwise provided in subdivision (a) or (c), every
2 a person who overdrives, overloads, drives when overloaded,
3 overworks, tortures, torments, deprives of necessary sustenance,
4 drink, or shelter, cruelly beats, mutilates, or cruelly kills ~~any~~ an
5 animal, or causes or procures ~~any~~ an animal to be so overdriven,
6 overloaded, driven when overloaded, overworked, tortured,
7 tormented, deprived of necessary sustenance, drink, shelter, or to
8 be cruelly beaten, mutilated, or cruelly killed; and whoever, having
9 the charge or custody of ~~any~~ an animal, either as owner or
10 otherwise, subjects ~~any~~ an animal to needless suffering, or inflicts
11 unnecessary cruelty upon the animal, or in any manner abuses ~~any~~
12 an animal, or fails to provide the animal with proper food, drink,
13 or shelter or protection from the weather, or who drives, rides, or
14 otherwise uses the animal when unfit for labor, is, for each offense,
15 guilty of a crime punishable pursuant to subdivision (d).

16 (c) Every person who maliciously and intentionally maims,
17 mutilates, or tortures ~~any~~ a mammal, bird, reptile, amphibian, or
18 fish, as described in subdivision (e), is guilty of a crime punishable
19 pursuant to subdivision (d).

20 (d) A violation of subdivision (a), (b), or (c) is punishable as a
21 felony by imprisonment pursuant to subdivision (h) of Section
22 1170, or by a fine of not more than twenty thousand dollars
23 (\$20,000), or by both that fine and imprisonment, or alternatively,
24 as a misdemeanor by imprisonment in a county jail for not more
25 than one year, or by a fine of not more than twenty thousand dollars
26 (\$20,000), or by both that fine and imprisonment.

27 (e) Subdivision (c) applies to ~~any~~ a mammal, bird, reptile,
28 amphibian, or fish ~~which~~ that is a creature described as follows:

29 (1) Endangered species or threatened species as described in
30 Chapter 1.5 (commencing with Section 2050) of Division 3 of the
31 Fish and Game Code.

32 (2) Fully protected birds described in Section 3511 of the Fish
33 and Game Code.

34 (3) Fully protected mammals described in Chapter 8
35 (commencing with Section 4700) of Part 3 of Division 4 of the
36 Fish and Game Code.

37 (4) Fully protected reptiles and amphibians described in Chapter
38 2 (commencing with Section 5050) of Division 5 of the Fish and
39 Game Code.

1 (5) Fully protected fish as described in Section 5515 of the Fish
2 and Game Code.

3 This subdivision does not supersede or affect any ~~provisions of~~
4 law relating to taking of the described species, including, but not
5 limited to, Section 12008 of the Fish and Game Code.

6 (f) For the purposes of subdivision (c), each act of malicious
7 and intentional maiming, mutilating, or torturing a separate
8 specimen of a creature described in subdivision (e) is a separate
9 offense. If ~~any~~ a person is charged with a violation of subdivision
10 (c), the proceedings shall be subject to Section 12157 of the Fish
11 and Game Code.

12 (g) (1) Upon the conviction of a person charged with a violation
13 of this section by causing or permitting an act of cruelty, as defined
14 in Section 599b, all animals lawfully seized and impounded with
15 respect to the violation by a peace officer, officer of a humane
16 society, or officer of a pound or animal regulation department of
17 a public agency shall be adjudged by the court to be forfeited and
18 shall thereupon be awarded to the impounding officer for proper
19 disposition. A person convicted of a violation of this section by
20 causing or permitting an act of cruelty, as defined in Section 599b,
21 shall be liable to the impounding officer for all costs of
22 impoundment from the time of seizure to the time of proper
23 disposition.

24 (2) Mandatory seizure or impoundment shall not apply to
25 animals in properly conducted scientific experiments or
26 investigations performed under the authority of the faculty of a
27 regularly incorporated medical college or university of this state.

28 (h) Notwithstanding any other ~~provision of~~ law, if a defendant
29 is granted probation for a conviction under this section, the court
30 shall order the defendant to pay for, and successfully complete,
31 counseling, as determined by the court, designed to evaluate and
32 treat behavior or conduct disorders. If the court finds that the
33 defendant is financially unable to pay for that counseling, the court
34 may develop a sliding fee schedule based upon the defendant's
35 ability to pay. An indigent defendant may negotiate a deferred
36 payment schedule, but shall pay a nominal fee if the defendant has
37 the ability to pay the nominal fee. County mental health
38 departments or Medi-Cal shall be responsible for the costs of
39 counseling required by this section only for those persons who
40 meet the medical necessity criteria for mental health managed care

1 pursuant to Section 1830.205 of Title 9 of the California Code of
2 Regulations or the targeted population criteria specified in Section
3 5600.3 of the Welfare and Institutions Code. The counseling
4 specified in this subdivision shall be in addition to any other terms
5 and conditions of probation, including ~~any~~ a term of imprisonment
6 and ~~any~~ a fine. This provision specifies a mandatory additional
7 term of probation and is not to be utilized as an alternative in lieu
8 of imprisonment pursuant to subdivision (h) of Section 1170 or
9 county jail when that sentence is otherwise appropriate. If the court
10 does not order custody as a condition of probation for a conviction
11 under this section, the court shall specify on the court record the
12 reason or reasons for not ordering custody. This subdivision shall
13 not apply to cases involving police dogs or horses as described in
14 Section 600.

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