

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 716

Introduced by Senator Lara

February 27, 2015

An act to ~~amend Section 2840.4 of the Public Utilities Code, relating to energy.~~ *amend, repeal, and add Section 596.5 of the Penal Code, relating to animal cruelty.*

LEGISLATIVE COUNSEL'S DIGEST

SB 716, as amended, Lara. ~~Waste Heat and Carbon Emissions Reduction Act.~~ *Animal cruelty: elephants.*

Existing law makes it a misdemeanor for any owner or manager of an elephant to engage in abusive behavior toward the elephant, which includes disciplining an elephant by specified methods, including, but not limited to, use of electricity.

This bill would, beginning January 1, 2018, additionally provide that abusive behavior toward the elephant includes the discipline, management, or training of the elephant by specified methods, including the use of a bullhook, ankus, guide, or pitchfork. By expanding the scope of a crime, the bill would impose a state-mandated local program.

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.

~~The Waste Heat and Carbon Emissions Reduction Act finds and declares, among other things, that combined heat and power systems produce both electricity and thermal energy from a single fuel input,~~

thus achieving much greater efficiency than the usual separate systems for producing these forms of energy and reducing the consumption of fuel.

~~This bill would make technical, nonsubstantive changes to this provision.~~

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

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

1 SECTION 1. Section 596.5 of the Penal Code is amended to
 2 read:

3 596.5. (a) It shall be a misdemeanor for any owner or manager
 4 of an elephant to engage in abusive behavior ~~towards~~ toward the
 5 elephant, ~~which behavior shall include~~ including the discipline of
 6 the elephant by any of the following methods:

- 7 ~~(a)~~
- 8 (1) Deprivation of food, water, or rest.
- 9 ~~(b)~~
- 10 (2) Use of electricity.
- 11 ~~(c)~~
- 12 (3) Physical punishment resulting in damage, scarring, or
- 13 breakage of skin.
- 14 ~~(d)~~
- 15 (4) Insertion of any instrument into any bodily orifice.
- 16 ~~(e)~~
- 17 (5) Use of martingales.
- 18 ~~(f)~~
- 19 (6) Use of block and tackle.

20 (b) *This section shall remain in effect only until January 1, 2018,*
 21 *and as of that date is repealed, unless a later enacted statute, that*
 22 *is enacted before January 1, 2018, deletes or extends that date.*

23 SEC. 2. Section 596.5 is added to the Penal Code, to read:

24 596.5. (a) *It shall be a misdemeanor for an owner or manager*
 25 *of an elephant to engage in abusive behavior toward the elephant,*
 26 *including the discipline, management, or training of the elephant*
 27 *by any of the following methods:*

- 28 (1) *Deprivation of food, water, or rest.*
- 29 (2) *Use of electricity.*

1 (3) *Physical punishment resulting in damage, scarring, or*
2 *breakage of skin.*

3 (4) *Insertion of any instrument into any bodily orifice.*

4 (5) *Use of martingales.*

5 (6) *Use of block and tackle.*

6 (7) *Use of a bullhook, ankus, guide, or pitchfork, including the*
7 *use of those devices without making contact.*

8 (b) *This section shall become operative on January 1, 2018.*

9 *SEC. 3. No reimbursement is required by this act pursuant to*
10 *Section 6 of Article XIII B of the California Constitution because*
11 *the only costs that may be incurred by a local agency or school*
12 *district will be incurred because this act creates a new crime or*
13 *infraction, eliminates a crime or infraction, or changes the penalty*
14 *for a crime or infraction, within the meaning of Section 17556 of*
15 *the Government Code, or changes the definition of a crime within*
16 *the meaning of Section 6 of Article XIII B of the California*
17 *Constitution.*

18 ~~SECTION 1. Section 2840.4 of the Public Utilities Code is~~
19 ~~amended to read:~~

20 ~~2840.4. The Legislature finds and declares all of the following:~~

21 ~~(a) Combined heat and power systems produce both electricity~~
22 ~~and thermal energy from a single fuel input, thus achieving much~~
23 ~~greater efficiency than the usual separate systems for producing~~
24 ~~these forms of energy and reducing the consumption of fuel.~~

25 ~~(b) Combined heat and power systems recover heat that would~~
26 ~~otherwise be wasted in separate energy applications and use this~~
27 ~~heat to avoid consumption of fuel that would otherwise be required~~
28 ~~to produce heat.~~

29 ~~(c) Gigawatthours of potential useful electricity and millions of~~
30 ~~British thermal units of thermal energy could be derived from~~
31 ~~unused waste heat that is currently being vented into the~~
32 ~~atmosphere.~~