

AMENDED IN ASSEMBLY JULY 16, 2015

AMENDED IN SENATE MAY 5, 2015

AMENDED IN SENATE APRIL 6, 2015

**SENATE BILL**

**No. 716**

---

---

**Introduced by Senator Lara**

(Principal coauthor: Assembly Member Bonta)

February 27, 2015

---

---

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

LEGISLATIVE COUNSEL'S DIGEST

SB 716, as amended, Lara. 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, *expand the scope of these provisions to apply to any person who houses, possesses, or is in direct contact with an elephant and* additionally provide that abusive behavior toward the elephant includes the use of a bullhook, ankus, baseball bat, axe handle, pitchfork, or similar ~~device by any person who houses, possesses, or is in direct contact with an elephant.~~ *device*. 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.

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. 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 toward the elephant,  
 5 including the discipline of the elephant by any of the following  
 6 methods:

- 7 (1) Deprivation of food, water, or rest.
- 8 (2) Use of electricity.
- 9 (3) Physical punishment resulting in damage, scarring, or
- 10 breakage of skin.
- 11 (4) Insertion of any instrument into any bodily orifice.
- 12 (5) Use of martingales.
- 13 (6) Use of block and tackle.

14 ~~(b) On or after January 1, 2018, it shall be a misdemeanor for~~  
 15 ~~any person who houses, possesses, or is in direct contact with an~~  
 16 ~~elephant to use a bullhook, ankus, baseball bat, axe handle,~~  
 17 ~~pitchfork, or similar device designed to inflict pain for the purpose~~  
 18 ~~of training or controlling the behavior of an elephant. Use~~  
 19 ~~prohibited by this section includes brandishing, exhibiting, or~~  
 20 ~~displaying such devices in the presence of an elephant.~~

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 22 *and as of that date is repealed, unless a later enacted statute, that*  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

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

25 596.5. (a) It shall be a misdemeanor for any person who  
 26 houses, possesses, or is in direct contact with an elephant to engage  
 27 in abusive behavior toward the elephant, including the discipline  
 28 of the elephant by any of the following methods:

- 29 (1) Deprivation of food, water, or rest.
- 30 (2) Use of electricity.
- 31 (3) Physical punishment resulting in damage, scarring, or
- 32 breakage of skin.
- 33 (4) Insertion of any instrument into any bodily orifice.

1 (5) *Use of martingales.*

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

3 (b) *It shall be a misdemeanor for any person who houses,*  
4 *possesses, or is in direct contact with an elephant to use a bullhook,*  
5 *ankus, baseball bat, axe handle, pitchfork, or similar device*  
6 *designed to inflict pain for the purpose of training or controlling*  
7 *the behavior of an elephant. Use prohibited by this subdivision*  
8 *includes brandishing, exhibiting, or displaying such devices in the*  
9 *presence of an elephant.*

10 (c) *This section shall become operative on January 1, 2018.*

11 ~~SEC. 2.~~

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