

Senate Bill No. 716

Passed the Senate August 31, 2015

Secretary of the Senate

Passed the Assembly August 27, 2015

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

SB 716, 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 would additionally provide that abusive behavior toward the elephant includes the use of a bullhook, ankus, baseball bat, axe handle, pitchfork, or similar 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.

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

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

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

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

(5) Use of martingales.

(6) Use of block and tackle.

(b) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

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

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

(1) Deprivation of food, water, or rest.

(2) Use of electricity.

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

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

(5) Use of martingales.

(6) Use of block and tackle.

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

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

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

Approved _____, 2015

Governor