

AMENDED IN SENATE JUNE 18, 1998  
AMENDED IN ASSEMBLY APRIL 21, 1998  
AMENDED IN ASSEMBLY APRIL 13, 1998  
AMENDED IN ASSEMBLY MARCH 30, 1998  
AMENDED IN ASSEMBLY MARCH 17, 1998  
AMENDED IN ASSEMBLY FEBRUARY 23, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1635**

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**Introduced by Assembly Member Migden**

January 5, 1998

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An act to add Chapter 13.6 (commencing with Section 25989.1) to Division 20 of the Health and Safety Code, relating to performing animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 1635, as amended, Migden. Performing animals.

(1) Existing law proscribes the abandonment, neglect, or abuse of animals and imposes specified duties upon animal control officers.

This bill would require a traveling circus or carnival that performs in California, to notify each entity that provides animal control services for a city, county, or city and county in which the traveling circus or carnival intends to perform, of its intent to perform within that jurisdiction, as specified, and to provide that entity with a schedule of its performances

in this state. The bill would make it a misdemeanor to violate either of these provisions, punishable by a fine *of* not to exceed ~~\$5,000~~ *less than \$500* for a first violation, and for a 2nd or subsequent violation, by a fine ~~in an amount greater than the fine for the immediately preceding violation,~~ *of* not to exceed ~~\$10,000~~ *less than \$1,500*. By creating a new crime, this bill would impose a state-mandated local program.

(2) 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. The Legislature finds and declares that  
2 this act addresses a matter of critical importance and  
3 concern with respect to protecting the public health and  
4 safety, as well as ensuring the humane treatment of, wild  
5 or domestic animals used in commercial enterprises.

6 SEC. 2. Chapter 13.6 (commencing with Section  
7 25989.1) is added to Division 20 of the Health and Safety  
8 Code, to read:

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10 CHAPTER 13.6. WILD OR DOMESTIC ANIMALS IN  
11 TRAVELING CIRCUSES AND CARNIVALS

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13 25989.1. (a) Any traveling circus or carnival that  
14 performs in California, shall do ~~at~~ *both* of the following:

15 (1) Notify each entity that provides animal control  
16 services for a city, county, or city and county in which the  
17 traveling circus or carnival intends to perform of its intent  
18 to perform within that jurisdiction. Notice shall be given  
19 at least 14 days prior to the first performance in that city,  
20 county, or city and county.

21 (2) Provide each entity that provides animal control  
22 services for a city, county, or city and county in which the



1 traveling circus or carnival intends to perform with a  
2 schedule of its performances in California.

3 (b) *For the purposes of this chapter, "traveling circus*  
4 *or carnival" does not include any fair regulated under*  
5 *Chapter 4 (commencing with Section 19400) of Division*  
6 *8 of the Business and Professions Code, or any rodeo,*  
7 *horse, or school event.*

8 (c) Any person who violates subdivision (a) is guilty of  
9 a misdemeanor and shall be punished by a fine ~~not to~~  
10 ~~exceed five thousand dollars (\$5,000)~~ *of not less than five*  
11 *hundred dollars (\$500)* for a first violation. The penalty  
12 for a second and subsequent violation shall ~~be of an~~  
13 ~~amount greater than the fine for the immediately~~  
14 ~~preceding violation and shall not exceed ten thousand~~  
15 ~~dollars (\$10,000).~~ *be a fine of not less than one thousand*  
16 *five hundred dollars (\$1,500).*

17 SEC. 3. No reimbursement is required by this act  
18 pursuant to Section 6 of Article XIII B of the California  
19 Constitution because the only costs that may be incurred  
20 by a local agency or school district will be incurred  
21 because this act creates a new crime or infraction,  
22 eliminates a crime or infraction, or changes the penalty  
23 for a crime or infraction, within the meaning of Section  
24 17556 of the Government Code, or changes the definition  
25 of a crime within the meaning of Section 6 of Article  
26 XIII B of the California Constitution.

27 Notwithstanding Section 17580 of the Government  
28 Code, unless otherwise specified, the provisions of this act  
29 shall become operative on the same date that the act  
30 takes effect pursuant to the California Constitution.

