

Assembly Bill No. 2479

CHAPTER 1061

An act to add Section 597.2 to the Penal Code, relating to cruelty to animals.

[Approved by Governor September 30, 2000. Filed
with Secretary of State September 30, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2479, Kuehl. Cruelty to animals.

Existing law punishes every person who mistreats, injures, or causes the death of any animal, as specified. Existing law makes it a misdemeanor for any person who operates a pet shop, as defined, to fail to maintain the premises and pet animals in a designated manner.

This bill would require any person who operates a live animal market, as defined, to treat the animals that are sold for human consumption in accordance with various requirements. This bill would provide that any person who fails to comply with these provisions shall first receive a written warning, and that a 2nd and subsequent violation would be an infraction, punishable by a fine of not less than \$250 and not more than \$1,000. However, a fine paid for a 2nd violation would be deferred for 6 months if a course is available that is administered by a state or local agency on the state law and local ordinances relating to live animal markets. If the defendant successfully completes that course within 6 months of entry of judgment, the fine would be waived. The state or local agency would be authorized to charge the participant a fee to take the course, not to exceed \$100. Because it creates a new crime, this 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 597.2 is added to the Penal Code, to read:

597.2. (a) Every person who operates a live animal market shall do all of the following:

(1) Provide that no animal will be dismembered, flayed, cut open, or have its skin, scales, feathers, or shell removed while the animal is still alive.



(2) Provide that no live animals will be confined, held, or displayed in a manner that results, or is likely to result, in injury, starvation, dehydration, or suffocation.

(b) As used in this section:

(1) “Animal” means frogs, turtles, and birds sold for the purpose of human consumption, with the exception of poultry.

(2) “Live animal market” means a retail food market where, in the regular course of business, animals are stored alive and sold to consumers for the purpose of human consumption.

(c) Any person who fails to comply with any requirement of subdivision (a) shall for the first violation, be given a written warning in a written language that is understood by the person receiving the warning. A second or subsequent violation of subdivision (a) shall be an infraction, punishable by a fine of not less than two hundred fifty dollars (\$250), nor more than one thousand dollars (\$1,000). However, a fine paid for a second violation of subdivision (a) shall be deferred for six months if a course is available that is administered by a state or local agency on state law and local ordinances relating to live animal markets. If the defendant successfully completes that course within six months of entry of judgment, the fine shall be waived. The state or local agency may charge the participant a fee to take the course, not to exceed one hundred dollars (\$100).

SEC. 2. 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.

