

Date of Hearing: May 4, 2016

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 1951 (Salas) – As Amended April 13, 2016

Policy Committee: Public Safety Vote: 6 - 0

Urgency: No State Mandated Local Program: Yes Reimbursable: No

SUMMARY:

This bill requires a court upon conviction of a person for committing specified crimes relating to animal abuse to order a psychiatric examination, and requires psychiatric counseling as a condition of probation for any person granted probation for these offenses. Specifically, this bill:

- 1) Requires any person convicted of dog fighting, assaulting a police dog or horse in a manner likely to cause injury, or intentionally causing injury or death to any guide dog or service dog to undergo mandatory psychiatric counseling as a condition of any grant of probation. The court may develop a fee schedule based on the defendant's ability to pay for the required counseling.
- 2) States that any person convicted of animal abuse, transporting an animal in a cruel or inhumane manner, cockfighting, fastening an animal to a device in order to be chased by dogs, possessing a bird or animal with the intent they engage in fighting, abandoning an animal, or failing to care for an animal shall be required, prior to sentencing, to submit to a psychiatric or psychological examination and the court shall consider the results of the examination in determining the sentence.
- 3) Provides that any person that intentionally causes injury to or the death of any guide, signal or service dog, as defined, while the dog is in the discharge of its duties, is guilty of a felony punishable by imprisonment in a county jail, or state prison, for 16 months, two, or three years, or by a fine not to exceed \$20,000, or by both a fine and imprisonment.

FISCAL EFFECT:

- 1) Likely moderate cost to the Courts (Trial Court Trust Fund/GF) in the \$100,000 range for:
 - a) The counseling required as part of probation for defendants who are unable to pay. It is not known how often this would occur, or how long a counseling protocol would last. Currently, there are ten individuals in state prison for animal abuse, but many more in county jails since the crime can be tried as a misdemeanor now.
 - b) The required psychiatric or psychological evaluation required of specific defendants.
- 2) Likely moderate fiscal impact to the Department of Corrections and Rehabilitation (CDCR). If every year, two individuals served two years in state prison for the additional felony offenses because they had a prior or current qualifying felony that required state

imprisonment, the annual cost to CDCR would be approximately \$58,000 the first year and \$116,000 the second year, and every year thereafter.

- 3) Moderate, nonreimbursable costs for incarceration, offset to a degree by increased fine revenue, to the extent felonies are served in county jails.

COMMENTS:

- 1) **Background.** Current law provides that any person that does any of the following is guilty of a felony and is punishable by imprisonment in a county jail for 16 months, 2 or 3 years, or by a fine not to exceed \$50,000, or by both imprisonment and a fine:

- a) Owns, possesses, keeps, or trains any dog, with the intent that the dog shall be engaged in an exhibition of fighting with another dog;
- b) For amusement or gain, causes any dog to fight with another dog, or causes any dogs to injure each other; and,
- c) Permits any of the above acts to be done on any premises under his or her control, or aid or abets that act.

Current law also states that any person that intentionally causes injury to or the death of any guide, signal or service dog, as defined, while the dog is in the discharge of its duties, is guilty of a misdemeanor punishable by imprisonment in a county jail not to exceed one year, by a fine not exceeding 10,000, or by both a fine and imprisonment.

- 2) **Author's Statement:** According to the author, "AB 2052 mandates psychological evaluations for individuals convicted of animal cruelty or facilitating animal fights. When a criminal defendant is found guilty, a psychological evaluation may be needed as part of the court's pre-sentence investigation to assist in determining the specific type or length of sentence, or to identify the most suitable facility where the sentence should be served. Appropriate sentencing determinations often hinge on the court's solid understanding of the psychological functioning of a defendant. When there is compelling evidence of chronic or severe psychological disturbance the court must also identify that individual's need for mental health treatment. In other instances, a psychological evaluation may be needed to assess the potential for future acts of violence or criminal conduct and hopefully end the cycle of violence and reduce recidivism."

- 3) **Prior Legislation:**

- a) AB 794 (Linder), Chapter 201, Statutes of 2015, expanded criminal acts against law enforcement animals to include animals used by volunteers acting under the direct supervision of a peace officer.
- b) AB 2281 (Nava) of the 2007-2008 Legislative Session made it a felony punishable by 16 months, 2 or 3 years in the state prison for any person convicted of being knowingly present as a spectator at any place where preparations were being made for an exhibition of the fighting of dogs with the intent to be present at that exhibition. AB 2281 was held on this Committee's Suspense file.