

FEBRUARY 24, 2006

An act to amend Section 596.5 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 3027, as introduced, Levine Animal cruelty: elephants.

Existing law provides that it is a misdemeanor for an owner or manager of an elephant to engage in abusive behavior towards the elephant, as specified.

This bill would, in addition, generally make it a misdemeanor to fail to provide for elephants at a stationary facility specified outdoor space. The bill would increase the scope of these crimes by providing that the provisions prohibiting abusive behavior towards an elephant shall apply to any person. By creating new crimes and by expanding the scope of application of existing crimes, this bill would impose a state-mandated local program upon local government.

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:

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

596.5. (a) It shall be ~~a~~
~~misdemeanor~~ unlawful for any person or any owner or manager of an elephant to engage in abusive behavior towards the elephant, which behavior shall include the discipline of the elephant by any of the following methods:

~~(a)~~

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

~~(b)~~

(2) Use of electricity.

~~(c)~~

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

~~(d)~~

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

~~(e)~~

(5) Use of martingales.

~~(f)~~

(6) Use of block and tackle.

(b) *On and after January 1, 2009, each person who possesses, keeps, or maintains elephants at a stationary facility shall make an outdoor space with a minimum of five acres available to those elephants, provided that no more than three elephants shall inhabit any five acres and that an additional half acre shall be made available for each additional elephant.*

(c) (1) Any person, owner, or manager who violates any provision of this section shall be guilty of a misdemeanor.

(2) Each day that a violation continues shall constitute a separate and distinct offense.

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.