

**Introduced by Senator Lara**

February 16, 2016

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An act to add Section 2128 to the Fish and Game Code, relating to elephants.

LEGISLATIVE COUNSEL'S DIGEST

SB 1062, as amended, Lara. Elephants: prohibited treatment.

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.

Existing law prohibits the importation, transportation, possession, or live release of specified wild animals, including all species of the order Proboscidea (elephants) into this state, except under a revocable, nontransferable ~~permit~~ *permit, known as a restricted species permit*, issued by the Department of Fish and Wildlife, in cooperation with the Department of Food and Agriculture, and only if certain requirements are met. *Existing law requires the Fish and Game Commission to revoke a permit under certain circumstances and, in the cooperation of the Department of Food and Agriculture, to adopt regulations for the notification of the revocation, termination, or denial of permits, and related appeals.* Existing law authorizes specified entities, including the ~~department,~~ *Department of Fish and Wildlife*, to enforce these provisions. Under existing law, a violation of these provisions is a crime and is subject to specified civil penalties.

This bill would, beginning January 1, 2018, prohibit any person who houses, possesses, or is in direct contact with an elephant from using, or ~~permitting~~ *authorizing or allowing* an employee, agent, or contractor

to use, a bullhook, ankus, baseball bat, axe handle, pitchfork, or other device designed to inflict pain for the purpose of training or controlling the behavior of an elephant. A person who violates these provisions would not be subject to criminal penalty but would be subject to civil penalties and *immediate suspension or revocation of the above-described permit. his or her restricted species permit by the Department of Fish and Wildlife. The bill would authorize a person whose permit is suspended or revoked to appeal the suspension or revocation to the commission by filing a written request for an appeal within 30 days of the suspension or revocation.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: no.

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

1 SECTION 1. Section 2128 is added to the Fish and Game Code,  
 2 to read:  
 3 2128. (a) (1) Any person who houses, possesses, manages,  
 4 or is in direct contact with an elephant shall not do either of the  
 5 following:  
 6 (A) Use a bullhook, ankus, baseball bat, axe handle, pitchfork,  
 7 or other device designed to inflict pain for the purpose of training  
 8 or controlling the behavior of an elephant.  
 9 (B) ~~Permit~~ *Authorize or allow* an employee, agent, or contractor  
 10 to use a bullhook, ankus, baseball bat, axe handle, pitchfork, or  
 11 other device designed to inflict pain for the purpose of training or  
 12 controlling the behavior of an elephant.  
 13 (2) Use prohibited by this subdivision includes brandishing,  
 14 exhibiting, or displaying the devices in the presence of an elephant.  
 15 (b) Any person who violates this section is subject to ~~a~~ *the* civil  
 16 penalty of ~~not less than five hundred dollars (\$500) nor more than~~  
 17 ~~ten thousand dollars (\$10,000) set forth in Section 2125 for each~~  
 18 violation, and is subject to ~~permit revocation under this chapter.~~  
 19 *immediate suspension or revocation of his or her restricted species*  
 20 *permit by the department. A person whose restricted species permit*  
 21 *is suspended or revoked pursuant to this section may appeal the*  
 22 *suspension or revocation to the commission by filing a written*  
 23 *request for an appeal with the commission within 30 days of the*  
 24 *suspension or revocation. A person who violates this section is*

1 not subject to the criminal penalty provided for in subdivision (a)  
2 of Section 2125: *penalties set forth in this code.*

3 (c) The provisions of this section are in addition to, and not in  
4 lieu of, any other laws protecting animal welfare. This section shall  
5 not be construed to limit any state law or rules protecting the  
6 welfare of animals or to prevent a local governing body from  
7 adopting and enforcing its own animal welfare laws and  
8 regulations.

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

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