

Date of Hearing: June 28, 2016  
Chief Counsel: Gregory Pagan

## ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Reginald Byron Jones-Sawyer, Sr., Chair

SB 1200 (Jackson) – As Amended May 31, 2016

**SUMMARY:** Requires the annual crime report published by the Department of Justice (DOJ) to include information concerning arrests for animal cruelty.

**EXISTING LAW:**

- 1) Requires the DOJ to collect specified crime-related data, and to prepare an annual report of crime-related statistics. (Pen. Code, §13010.)
- 2) Specifies that the DOJ annual report contain statistics regarding the amount and types of offenses known to public authorities; the personal and social characteristics of criminals and delinquents; the administrative actions taken by law enforcement, judicial, penal, and correctional agencies or institutions, including those in the juvenile justice system, in dealing with criminals or delinquents; and the number of citizens' complaints received by law enforcement agencies, as specified. (Pen. Code, §13012.)
- 3) Requires every person and agency that deals with crimes or criminals or with delinquency or delinquents to maintain specified records and report statistical data to the DOJ when requested by the Attorney General. (Pen. Code §13020.)
- 4) Provides that every person who maliciously and intentionally maims, mutilates, tortures, or wounds a living animal, or maliciously and intentionally kills an animal is guilty of a criminal offense and as a felony is punishable by imprisonment in a county jail for 16 months, two, or three years, or by a fine up to \$20,000, or by both that fine and imprisonment, or alternatively, as a misdemeanor by imprisonment in a county jail, or by a fine up to \$20,000, or by both that fine and imprisonment. (Pen. Code, § 597, subd. (a).)
- 5) States that when a person overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink, or shelter, cruelly beats, mutilates, or cruelly kills any animal, or causes or procures any animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, drink, shelter, or to be cruelly beaten, mutilated, or cruelly killed; and whoever, having the charge or custody of any animal, either as owner or otherwise, subjects any animal to needless suffering, or inflicts unnecessary cruelty upon the animal, or in any manner abuses any animal, or fails to provide the animal with proper food, drink, or shelter or protection from the weather, or who drives, rides, or otherwise uses the animal when unfit for labor is guilty of a criminal offense and as a felony is punishable by imprisonment in a county jail for 16 months, two, or three years, or by a fine up to \$20,000, or by both that fine and imprisonment, or alternatively, as a misdemeanor by imprisonment in a county jail, or by a fine up to \$20,000, or by both that fine and imprisonment. (Pen. Code, § 597, subd. (b).)

- 6) Specifies that a person who maliciously and intentionally maims, mutilates, or tortures any mammal, bird, reptile, amphibian, or fish, is a criminal offense and as a felony is punishable by imprisonment in a county jail for 16 months, two, or three years, or by a fine up to \$20,000, or by both that fine and imprisonment, or alternatively, as a misdemeanor by imprisonment in a county jail, or by a fine up to \$20,000, or by both that fine and imprisonment. (Pen. Code, § 597, subd. (c).)
- 7) 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, two, or three 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. (Pen. Code, § 597.5, subd. (a).)
- 8) Requires that if a defendant is granted probation for a conviction of animal cruelty, the court shall order the defendant to pay for, and successfully complete, counseling, as determined by the court, designed to evaluate and treat behavior or conduct disorders. If the court finds that the defendant is financially unable to pay for that counseling, the court may develop a sliding fee schedule based upon the defendant's ability to pay. The counseling shall be in addition to any other terms and conditions of probation, including any term of imprisonment and any fine. If the court does not order custody as a condition of probation for a conviction under this section, the court shall specify on the court record the reason or reasons for not ordering custody. This does not apply to cases involving police dogs or horses as described in Section 600. (Pen. Code, § 597, subd. (h).)
- 9) Provides that any person who causes any animal, not including a dog, to fight with another animal, or permits the same to be done on any property under his or her control, or aids or abets the fighting of any animal is guilty of a misdemeanor, punishable by up to one year in the county jail or by a fine not to exceed \$10,000, or both imprisonment and a fine. (Pen. Code § 597b, subd. (a).)
- 10) Provides that any person who causes a cock to fight with another cock, or permits the same to be done on any property under his or her control, and any person who aid or abets the fighting of any cock or is present as a spectator is guilty of a misdemeanor, punishable by imprisonment in the county jail not to exceed one year, or by a fine not to exceed \$10,000, or by both imprisonment and a fine. (Pen. Code, § 597b, subd. (b).)
- 11) Provides that any person who owns, possesses, keeps or trains any bird or other animal with the intent that that it be used an exhibition of fighting is guilty of a misdemeanor, punishable by imprisonment in the county jail not to exceed one year; by a fine not to exceed \$10,000, or by both imprisonment and a fine. (Penal Code Section 597j.)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Author's Statement:** According to the author, "In 2014 a man was arrested and later pleaded guilty to four felony counts and one misdemeanor count, which included: two felony charges of animal cruelty, felony assault by force likely to produce great bodily injury, witness dissuasion and violating a court order. The case involved a man abusing his girlfriend and her five month old puppy. The man broke several of the puppy's bones, sexually mutilated and used a utility lighter to inflict burns on 80 percent of its body, for which the puppy was later euthanized due to its injuries. The maximum sentence for the crime was seven years and six months in state prison. The judge sentenced him to a year in county jail and five years on probation based on probation officers' recommendations.

"So evident is the correlation between animal abuse and violence to humans that in 2016 the FBI began collecting data on animal cruelty in the same way as homicide, arson, and assault via its National Incident-Based Reporting System (NIBRS).

"Accurate data is important in order to understand the full scope of the problem. Current animal cruelty reporting to the FBI is only on a voluntary basis.

"This bill would require the Department of Justice (DOJ) to include animal cruelty data in its *DOJ Data Collection and Reporting Responsibility* publication, data that is later forwarded to the Federal Bureau of Investigations (FBI).

"With the proven correlation between animal abuse and human violence the goal of SB 1200 is to gather accurate data so that we can develop appropriate policies to help reduce the possibility of further acts of violence upon people."

- 2) **Related Legislation:** SB 1075 (Runner) requires the DOJ to include disaggregated information on child molestation crimes in its annual statewide criminal statistics report. SB 1075 is pending Hearing in the Assembly Appropriations Committee.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

San Francisco SPCA  
LIUNA Locals 777 and 792  
Marine Humane Society  
San Diego Humane Society  
City of West Hollywood  
Humane Society of the United States  
Animal Welfare Institute  
American Society for the Prevention of Cruelty to Animals

Animal Legal Defense Fund  
Association of Prosecuting Attorneys  
Association for Los Angeles Deputy Sheriffs  
Los Angeles Police Protective League  
Riverside Sheriffs Association  
Los Angeles Probation Officer's Union, AFSCME Local 685  
Association of Deputy District Attorneys  
Davey's Voice  
Los Angeles County Professional Peace Officers Association  
Social Compassion in Legislation  
State Humane Association of California  
Santa Barbara Women's Political Committee

One Private Individual

**Opposition**

None

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