
THIRD READING

Bill No: SB 1200
Author: Jackson (D)
Amended: 5/31/16
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 4/12/16
AYES: Hancock, Glazer, Leno, Liu, Monning, Stone
NO VOTE RECORDED: Anderson

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/27/16
AYES: Lara, Bates, Beall, Hill, McGuire, Mendoza, Nielsen

SUBJECT: Animal cruelty: training: criminal statistics

SOURCE: Author

DIGEST: This bill requires that the annual report published by the Department of Justice (DOJ) include information concerning arrests for violations of Penal Code section 597.

ANALYSIS:

Existing law:

- 1) Provides in Penal Code section 597, except as otherwise provided, that the following crimes are punishable a felony by imprisonment pursuant to subdivision (h) of Section 1170, or by a fine of not more than twenty thousand dollars (\$20,000), or by both that fine and imprisonment, or alternatively, as a misdemeanor by imprisonment in a county jail for not more than one year, or by a fine of not more than twenty thousand dollars (\$20,000), or by both that fine and imprisonment:
 - a) Every person who maliciously and intentionally maims, mutilates, tortures, or wounds a living animal, or maliciously and intentionally kills an animal

- b) Every person who 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.
 - c) Every person who maliciously and intentionally maims, mutilates, or tortures any mammal, bird, reptile, amphibian, or fish. And, each act of malicious and intentional maiming, mutilating, or torturing a separate specimen of a creature, described therein, is a separate offense.
- 2) Requires, in Penal Code section 13010, DOJ to:
- a) To collect data necessary for the work of the DOJ from all persons and agencies specified and from any other appropriate source.
 - b) To prepare and distribute to all those persons and agencies, cards, forms, or electronic means used in reporting data to the DOJ. The cards, forms, or electronic means may, in addition to other items, include items of information needed by federal bureaus or departments engaged in the development of national and uniform criminal statistics.
 - c) To recommend the form and content of records which must be kept by those persons and agencies in order to ensure the correct reporting of data to the DOJ.
 - d) To instruct those persons and agencies in the installation, maintenance, and use of those records and in the reporting of data therefrom to the DOJ.
 - e) To process, tabulate, analyze and interpret the data collected from those persons and agencies.
 - f) To supply, at their request, to federal bureaus or departments engaged in the collection of national criminal statistics data they need from this state.

- g) To present to the Governor, on or before July 1st, an annual report containing the criminal statistics of the preceding calendar year and to present at other times as the Attorney General may approve reports on special aspects of criminal statistics. A sufficient number of copies of all reports shall be prepared to enable the Attorney General to send a copy to all public officials in the state dealing with criminals and to distribute them generally in channels where they will add to the public enlightenment.

This bill requires that the annual report published by DOJ include information concerning arrests for violations of Penal Code section 597.

Background

There was an animal abuse incident in 2014 that precipitated this legislation:

On May 14, 2014, at 11:02 p.m., Santa Barbara Police officer Josh Morton responded to a local veterinary hospital to investigate a possible case of domestic violence.

What he found would haunt the department, and community members, for months to come.

The Case

The victims were a 5-month-old miniature pinscher puppy named Davey and his owner.

Earlier that day, Duanying Chen, a Chinese immigrant who was taking classes at Santa Barbara City College on a student visa, agreed to watch Davey while his girlfriend was out for the day.

When Chen's girlfriend came home around 8 p.m., however, she found Davey hiding underneath a table, unable to walk, according to reports.

Chen reportedly tried to convince her that the dog was injured during a fall from the top of a ping pong table, but after taking Davey to the hospital, the clinic staff determined that the animal had multiple injuries — broken bones, lacerations and burns, neurological damage, and wounds to the rectum and genitals — consistent with having been abused.

Further, upon questioning Chen's girlfriend, they suspected that she was the victim of domestic violence. The Santa Barbara Police Department (SBPD) was subsequently notified, and Davey was euthanized a few weeks later due to the extreme level of abuse and the extent of his injuries.

“We don’t often get these types of cases,” said Sgt. Riley Hardwood of the SBPD. “We deal with domestic violence all of the time, but this isn’t the type of case that happens often.”

“The combination of two things (animal abuse and domestic violence) is pretty alarming, and a lot of people would say that’s indication of violence in the future,” he continued.

On May 20, 2014, Chen was arrested for allegedly strangling his girlfriend during a fight and beating, torturing, sexually assaulting and burning Davey.

The Sentence

In Chen's case, many believe the punishment did not fit the crime.

On May 19, Chen pleaded guilty to four felony counts and one misdemeanor count, including two felony charges of animal cruelty, felony assault by force likely to produce great bodily injury, witness dissuasion and violating a court order, according to Santa Barbara County District Attorney Joyce Dudley.

Although the case prosecutor argued for the maximum sentence of seven years and six months in state prison, on June 30 Superior Court Judge Brian Hill ordered Chen to serve one year in county jail with five years of probation.

(Protestors to hold march for abused puppy at SB Courthouse, by Jamie Guista, Santra Maria Times, July 18, 2015; http://santamariatimes.com/news/protestors-to-hold-march-for-abused-puppy-at-sb-courthouse/article_5772b345-4bcc-5cf1-95da-83f96c29cd1e.html.)

This bill requires DOJ to include animal cruelty in their annual crime report.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations analysis the fiscal impact includes:

- *Data reporting:* Likely minor non-reimbursable local costs (Local Funds/General Fund*) for reporting. Staff notes prior decisions issued by the Commission on State Mandates (02-TC-04, 02-TC-11, 07-TC-10) determined the relevant code sections applicable to the provisions of this bill do not impose state-mandated requirements on local agencies, however, these costs could potentially be subject to Proposition 30 funding requirements.

- *DOJ annual report*: Minor, absorbable costs (General Fund) for DOJ to include arrest data for animal cruelty in its annual report.

*Proposition 30 (2012) exempts the State from mandate reimbursement for realigned programs including the provision of public safety services, including the employment and training of law enforcement personnel, and the related reporting responsibilities of local agencies. However, legislation enacted after September 30, 2012, that has an overall effect of increasing the costs already borne by a local agency for levels of services mandated by 2011 Realignment Legislation, applies to local agencies only to the extent that the State provides annual funding for the cost increase.

SUPPORT: (Verified 5/31/16)

American Society for the Prevention of Cruelty to Animals
Animal Legal Defense Fund
Animal Welfare Institute
Association of Prosecuting Attorneys
Davey's Voice
The Humane Society of the United States
LIUNA Locals 777 and 792
Los Angeles County Professional Peace Officers Association
Marin Humane Society
Office of District Attorney, County of Santa Barbara
San Diego Humane Society & SPCA
San Francisco SPCA
Social Compassion in Legislation
Two individuals

OPPOSITION: (Verified 5/31/16)

None received

Prepared by: Jessica Devencenzi / PUB. S. /
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**** END ****