

AMENDED IN ASSEMBLY MARCH 22, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2774

**Introduced by Assembly Member Limón
(Principal coauthor: Assembly Member Low)
(Coauthor: Assembly Member Bloom)**

February 16, 2018

~~An act relating to animal abuse.~~ *An act to add Sections 600.6, 600.7, and 600.8 to the Penal Code, relating to animal abuse.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2774, as amended, Limón. ~~Animal abuse: database.~~ *Animal abuse: offender information.*

Existing law requires the Department of Justice to make available to the public specified information concerning registered sex offenders on an Internet Web site.

This bill would require the department, on or before January 1, 2020, to make specified booking information about animal abuse offenders, including, among other information, the offender's name and known aliases, a photograph, a physical description, date of birth, and criminal history of animal abuse offenses, available to specified law enforcement agencies, animal shelters, pet dealers, animal adoption centers, and animal-oriented businesses.

The bill would require a court, upon the offender's conviction for specified animal abuse offenses, including, among others, maliciously and intentionally maiming, torturing, or wounding an animal, to order the arresting agency or local sheriff's department responsible for booking the defendant on the offense underlying the conviction to forward specified booking information to the Department of Justice

within 3 days, or if the person has not been booked, to book the person within 3 days and then forward that information within 3 days. The bill would require, upon application by the prosecuting attorney's office, a court with continuing jurisdiction over a person previously convicted of animal abuse, as specified, to order the arresting agency or local sheriff's department to electronically forward the booking information and the crime for which the offender was convicted to the department within 3 days for inclusion in the information available to specified law enforcement agencies, animal shelters, pet dealers, animal adoption centers, and animal-oriented businesses,

The bill would authorize additional entities, including, among others, the department, the Division of Juvenile Justice, and district attorneys, to make that information available to specified law enforcement agencies, animal shelters, pet dealers, animal adoption centers, and animal-oriented businesses. The bill would require the department to also make the information available by telephone and upon written request where practicable.

The bill would impose a fine of \$200 for each misdemeanor conviction and \$500 for each felony conviction of animal abuse, as specified, to be deposited in the Animal Protection Fund in the State Treasury, which would be created by the bill, to be available to the department, upon appropriation, for purposes of providing and maintaining the animal abuse offender information.

By imposing additional duties on local law enforcement entities, this bill would impose a state-mandated local program.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law generally makes a person who maliciously and intentionally maims, mutilates, tortures, or wounds a living animal, or maliciously and intentionally kills an animal, guilty of a crime.~~

~~This bill would express the intent of the Legislature to enact legislation that would require a court to submit information on an individual convicted of animal abuse to the Department of Justice and that would require the Department of Justice to create an Internet Web site with a~~

list of individuals convicted of animal abuse for the purpose of providing animal shelters, pet stores, and animal sellers with this information.

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

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

1 SECTION 1. Section 600.6 is added to the Penal Code, to read:

2 600.6. (a) As used in this section, “a conviction for animal
3 abuse” means a conviction for violating or attempting to violate
4 Section 597, 597a, 597b, 597f, 597h, 597j, 597s, 597.1, 597.5, or
5 600.

6 (b) (1) Upon a conviction for animal abuse, the court shall
7 inform the arresting agency or local sheriff’s department
8 responsible for booking the person on the offense underlying the
9 animal abuse conviction of the conviction and shall order that the
10 offender’s booking information be electronically forwarded to the
11 Department of Justice within three days. The booking information
12 shall consist of all of the following:

13 (A) The legal name and any other names or aliases that the
14 person is using or has used.

15 (B) The person’s date of birth.

16 (C) The current address or location of the person.

17 (D) The animal abuse offense for which the person was
18 convicted, as supplied by the court.

19 (E) The date and place of the animal abuse offense conviction
20 of the person, as supplied by the court.

21 (F) Any other information as may be required by the Department
22 of Justice.

23 (G) The complete set of fingerprints and a photograph of the
24 person.

25 (H) A description of any tattoos, scars, or other distinguishing
26 features on the person’s body that would assist in identifying the
27 person.

28 (2) If a person convicted of animal abuse has not been booked,
29 the court shall inform the arresting agency or local sheriff’s
30 department of the animal abuse offense for which the person was
31 convicted and order the offender to be booked by the arresting
32 agency or local sheriff’s department within three days. The court
33 shall order that the offender’s booking information, as specified

1 *in paragraph (1), be electronically forwarded to the department*
2 *within three days of the date of booking.*

3 *(c) Upon application by the prosecuting attorney's office, a*
4 *court with continuing jurisdiction over a person previously*
5 *convicted of animal abuse, as defined in this section, shall order*
6 *the arresting agency or local sheriff's department to electronically*
7 *forward the person's booking information, pursuant to paragraph*
8 *(1) of subdivision (b), and the crime for which the offender was*
9 *convicted to the Department of Justice within three days.*

10 *SEC. 2. Section 600.7 is added to the Penal Code, to read:*

11 *600.7. (a) On or before January 1, 2020, the Department of*
12 *Justice shall make information concerning persons who were*
13 *convicted as described in Section 600.6 available to specified law*
14 *enforcement agencies, animal shelters, pet dealers, animal*
15 *adoption centers, and animal-oriented businesses.*

16 *(b) For purposes of subdivision (a), the Department of Justice*
17 *shall make the convicted person's booking information, as*
18 *described in subdivision (b) of Section 600.6, available to specified*
19 *law enforcement agencies, animal shelters, pet dealers, animal*
20 *adoption centers, and animal-oriented businesses. However, the*
21 *convicted person's criminal history, other than the specific animal*
22 *abuse crimes for which the person was convicted, and the person's*
23 *fingerprints shall not be included in the available information.*
24 *The department shall update available information concerning*
25 *persons convicted of animal abuse, as defined in Section 600.6,*
26 *on an ongoing basis. The department may include other*
27 *information that the department deems relevant. The information*
28 *shall be translated into languages other than English as determined*
29 *by the department. The information shall remain posted for five*
30 *years after conviction of a misdemeanor offense designated in*
31 *subdivision (a) of Section 600.6 and for 10 years after conviction*
32 *of a felony offense designated in subdivision (a) of Section 600.6.*

33 *(c) (1) A designated law enforcement entity may make available*
34 *the information described in subdivision (b) of Section 600.6 to*
35 *specified law enforcement agencies, animal shelters, pet dealers,*
36 *animal adoption centers, and animal-oriented businesses if it*
37 *determines that access to the information is necessary to ensure*
38 *animal safety based on information available to the law*
39 *enforcement entity concerning the specific offender.*

1 (2) For purposes of this section, “designated law enforcement
2 entity” means the Department of Justice, the Division of Juvenile
3 Justice, district attorneys, and state or local agencies expressly
4 authorized by statute to investigate or prosecute law violators.

5 (d) The department shall also make the information available
6 by telephone and upon written request where practicable.

7 (e) A designated law enforcement entity and its employees are
8 immune from liability for good faith conduct under this section.

9 SEC. 3. Section 600.8 is added to the Penal Code, to read:

10 600.8. (a) A person convicted of an offense specified in
11 subdivision (a) of Section 600.6 shall, in addition to any other
12 penalty or fine imposed, be subject to a fine of two hundred dollars
13 (\$200) for each misdemeanor conviction and a fine of five hundred
14 dollars (\$500) for each felony conviction.

15 (b) Notwithstanding Section 1463.001, fines collected pursuant
16 to subdivision (a) shall be deposited in the Animal Protection
17 Fund, which is hereby created in the State Treasury. Moneys in
18 the fund shall be available, upon appropriation by the Legislature,
19 to the Department of Justice, and shall be expended by the
20 department for providing and updating information concerning
21 persons convicted of animal abuse as defined in Section 600.6.

22 SEC. 4. If the Commission on State Mandates determines that
23 this act contains costs mandated by the state, reimbursement to
24 local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.

27 ~~SECTION 1. It is the intent of the Legislature to enact
28 legislation that would require a court to submit information on an
29 individual convicted of animal abuse to the Department of Justice
30 and that would require the Department of Justice to create an
31 Internet Web site with a list of individuals convicted of animal
32 abuse for the purpose of providing animal shelters, pet stores, and
33 animal sellers with this information.~~