

Introduced by Senator GainesJanuary 18, 2018

An act to amend Section 600 of the Penal Code, relating to police animals.

LEGISLATIVE COUNSEL'S DIGEST

SB 911, as introduced, Gaines. Criminal law.

Under existing law, it is a crime to assault, batter, or interfere with, as specified, a police dog or police horse. Under existing law, a violation of these provisions is punishable as a misdemeanor, or, if a serious physical injury is inflicted upon the animal, as a misdemeanor or felony. Additionally, under existing law, if a person, with the intent to inflict injury or death, causes the death or serious physical injury of the animal, that person is, upon conviction of a felony, punishable by an additional one-year term of imprisonment.

This bill would instead make the intentional killing or infliction of serious physical injury to a police dog or police horse a felony.

By changing the penalty of an existing crime, 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 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:

1 SECTION 1. Section 600 of the Penal Code is amended to
2 read:

3 600. (a) Any person who willfully and maliciously and with
4 no legal justification strikes, beats, kicks, cuts, stabs, shoots with
5 a firearm, administers any poison or other harmful or stupefying
6 substance to, or throws, hurls, or projects at, or places any rock,
7 object, or other substance which is used in such a manner as to be
8 capable of producing injury and likely to produce injury, on or in
9 the path of, a horse being used by, or a dog under the supervision
10 of, a peace officer in the discharge or attempted discharge of his
11 or her duties, or a volunteer who is acting under the direct
12 supervision of a peace officer in the discharge or attempted
13 discharge of his or her assigned volunteer duties, is guilty of a
14 public offense. If the injury inflicted is a serious injury, as
15 described in subdivision (c), the person shall be punished by
16 imprisonment pursuant to subdivision (h) of Section 1170 for 16
17 months, two or three years, or in a county jail for not exceeding
18 one year, or by a fine not exceeding two thousand dollars (\$2,000),
19 or by both a fine and imprisonment. If the injury inflicted is not a
20 serious injury, the person shall be punished by imprisonment in
21 the county jail for not exceeding one year, or by a fine not
22 exceeding one thousand dollars (\$1,000), or by both a fine and
23 imprisonment.

24 (b) Any person who willfully and maliciously and with no legal
25 justification interferes with or obstructs a horse or dog being used
26 by a peace officer in the discharge or attempted discharge of his
27 or her duties, or a volunteer who is acting under the direct
28 supervision of a peace officer in the discharge or attempted
29 discharge of his or her assigned volunteer duties, by frightening,
30 teasing, agitating, harassing, or hindering the horse or dog shall
31 be punished by imprisonment in a county jail for not exceeding
32 one year, or by a fine not exceeding one thousand dollars (\$1,000),
33 or by both a fine and imprisonment.

34 (c) Any person who, in violation of this section, and with intent
35 to inflict that injury or death, personally causes the death,
36 destruction, or serious physical injury including bone fracture, loss
37 or impairment of function of any bodily member, wounds requiring
38 extensive suturing, or serious crippling, of a horse or ~~dog, shall,~~

1 ~~upon conviction *dog is guilty* of a felony under this section, in~~
 2 ~~addition and consecutive to the punishment prescribed for the~~
 3 ~~felony, be punished by an additional term of imprisonment pursuant~~
 4 ~~to subdivision (h) of Section 1170 for one year. and shall be~~
 5 ~~punished by imprisonment in the county jail for two, three, or four~~
 6 ~~years.~~

7 (d) Any person who, in violation of this section, and with the
 8 intent to inflict that injury, personally causes great bodily injury,
 9 as defined in Section 12022.7, to any person not an accomplice,
 10 shall, upon conviction of a felony under this section, in addition
 11 and consecutive to the punishment prescribed for the felony, be
 12 punished by an additional term of imprisonment in the state prison
 13 for two years unless the conduct described in this subdivision is
 14 an element of any other offense of which the person is convicted
 15 or receives an enhancement under Section 12022.7.

16 (e) A defendant convicted of a violation of this section shall be
 17 ordered to make restitution to the agency owning the animal and
 18 employing the peace officer, to a volunteer who is acting under
 19 the direct supervision of a peace officer who is using his or her
 20 horse or supervising his or her dog in the performance of his or
 21 her assigned duties, or to the agency that provides, or the individual
 22 who provides, veterinary health care coverage or veterinary care
 23 for a horse or dog being used by, or under the supervision of, a
 24 volunteer who is acting under the direct supervision of a peace
 25 officer for any veterinary bills, replacement costs of the animal if
 26 it is disabled or killed, and, if applicable, the salary of the peace
 27 officer for the period of time his or her services are lost to the
 28 agency.

29 SEC. 2. No reimbursement is required by this act pursuant to
 30 Section 6 of Article XIII B of the California Constitution because
 31 the only costs that may be incurred by a local agency or school
 32 district will be incurred because this act creates a new crime or
 33 infraction, eliminates a crime or infraction, or changes the penalty
 34 for a crime or infraction, within the meaning of Section 17556 of
 35 the Government Code, or changes the definition of a crime within
 36 the meaning of Section 6 of Article XIII B of the California
 37 Constitution.

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