

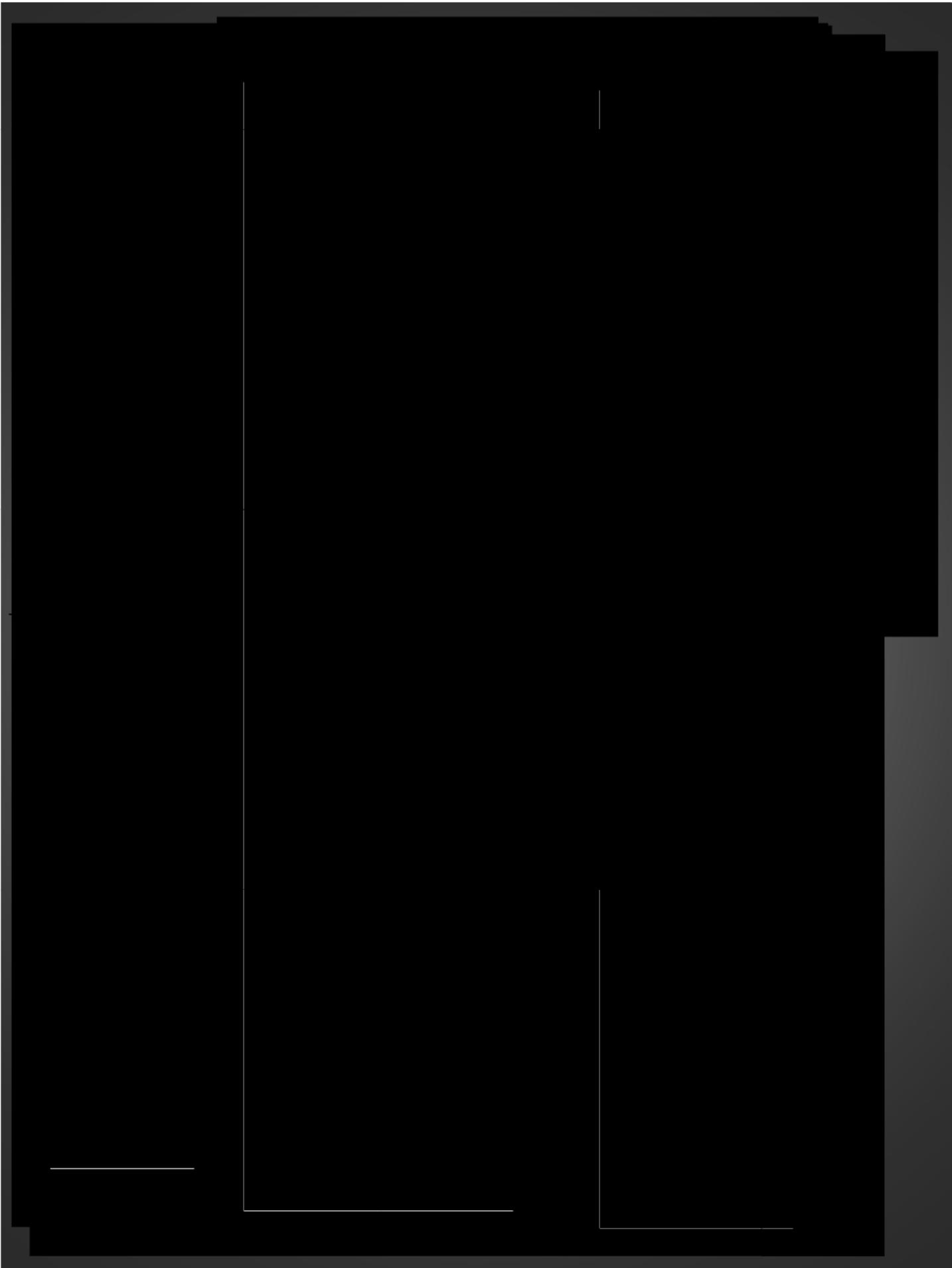
Animal Cruelty

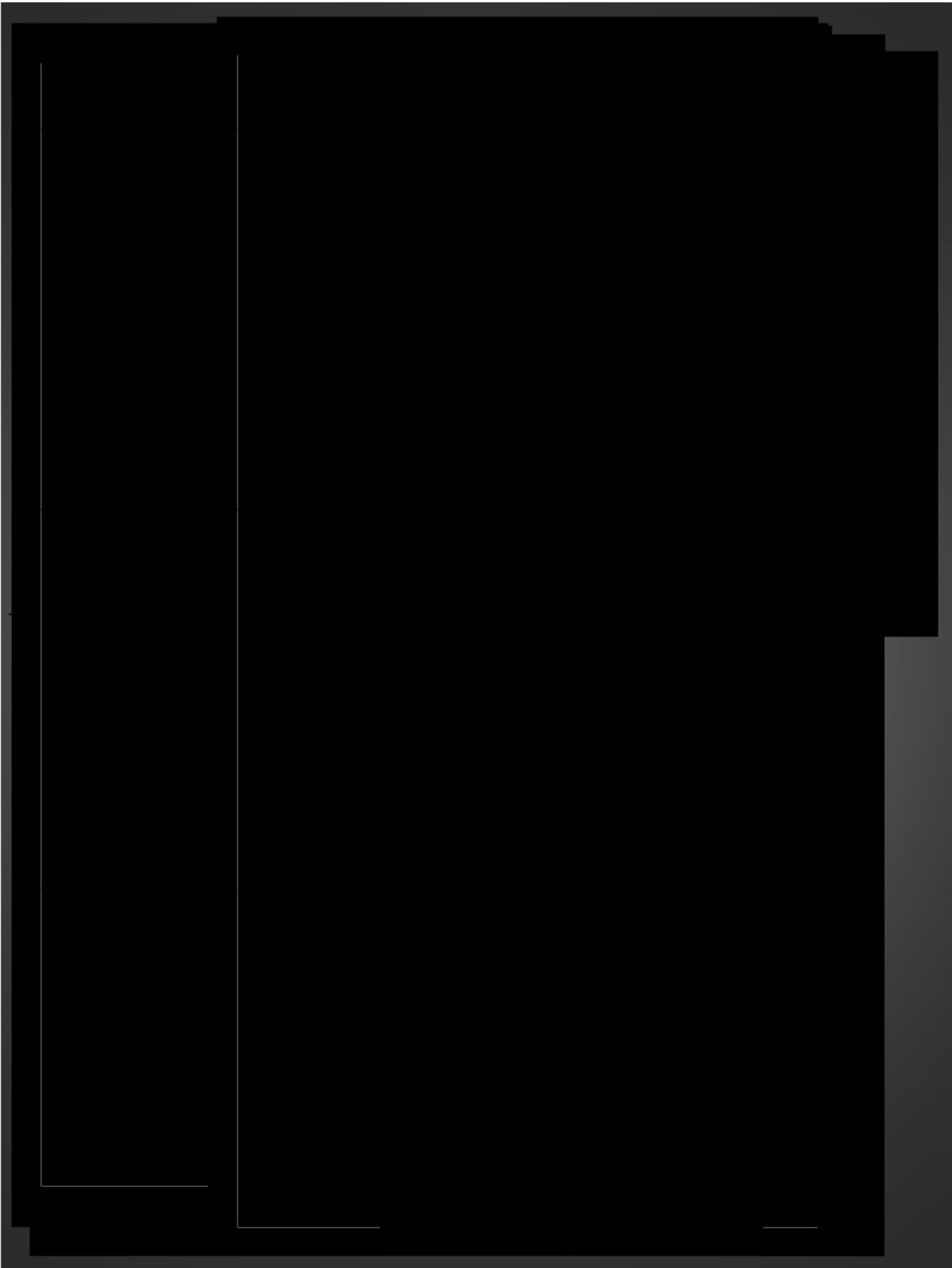


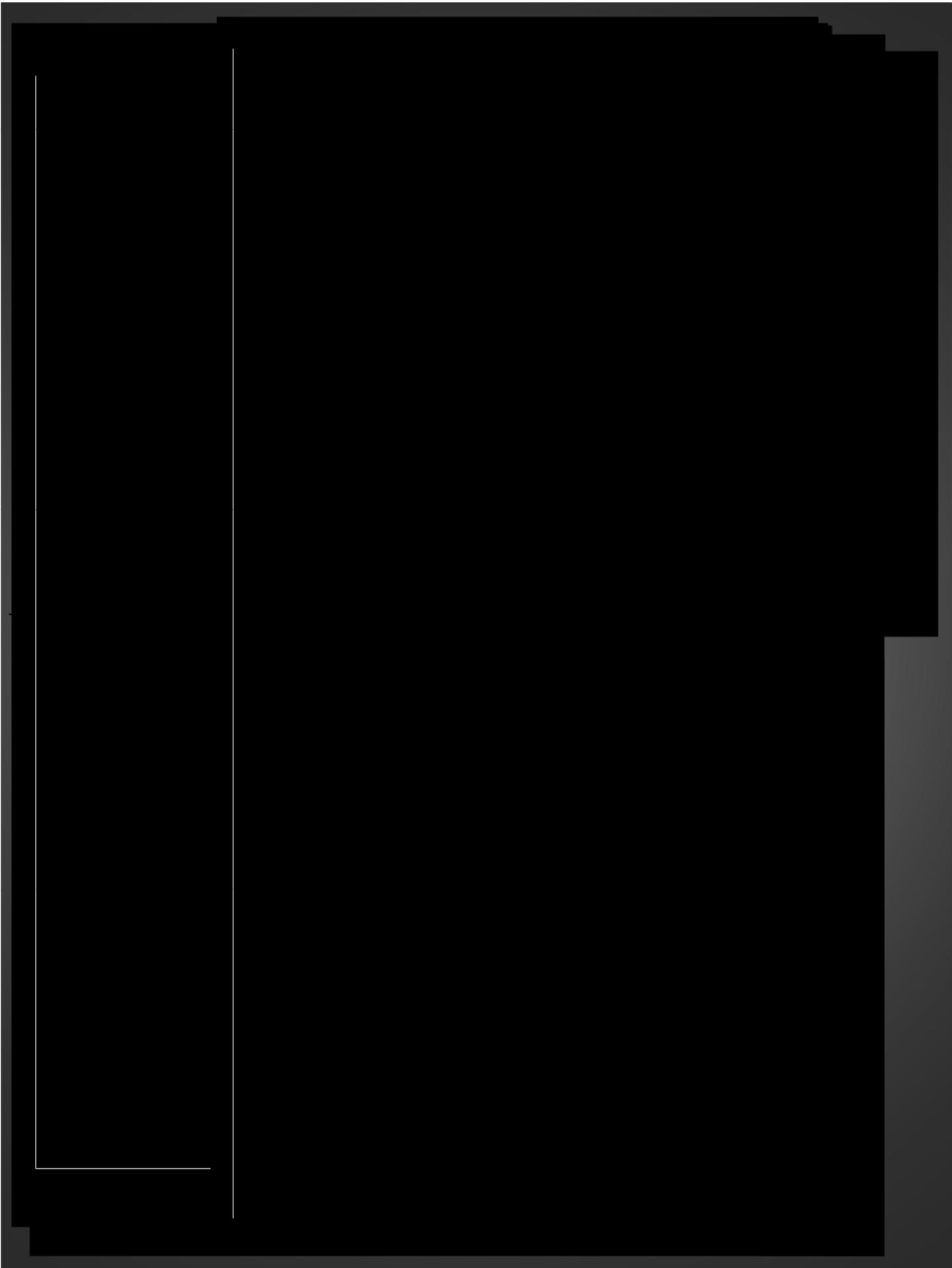
"Not a single creature on earth has more or less right to be here."

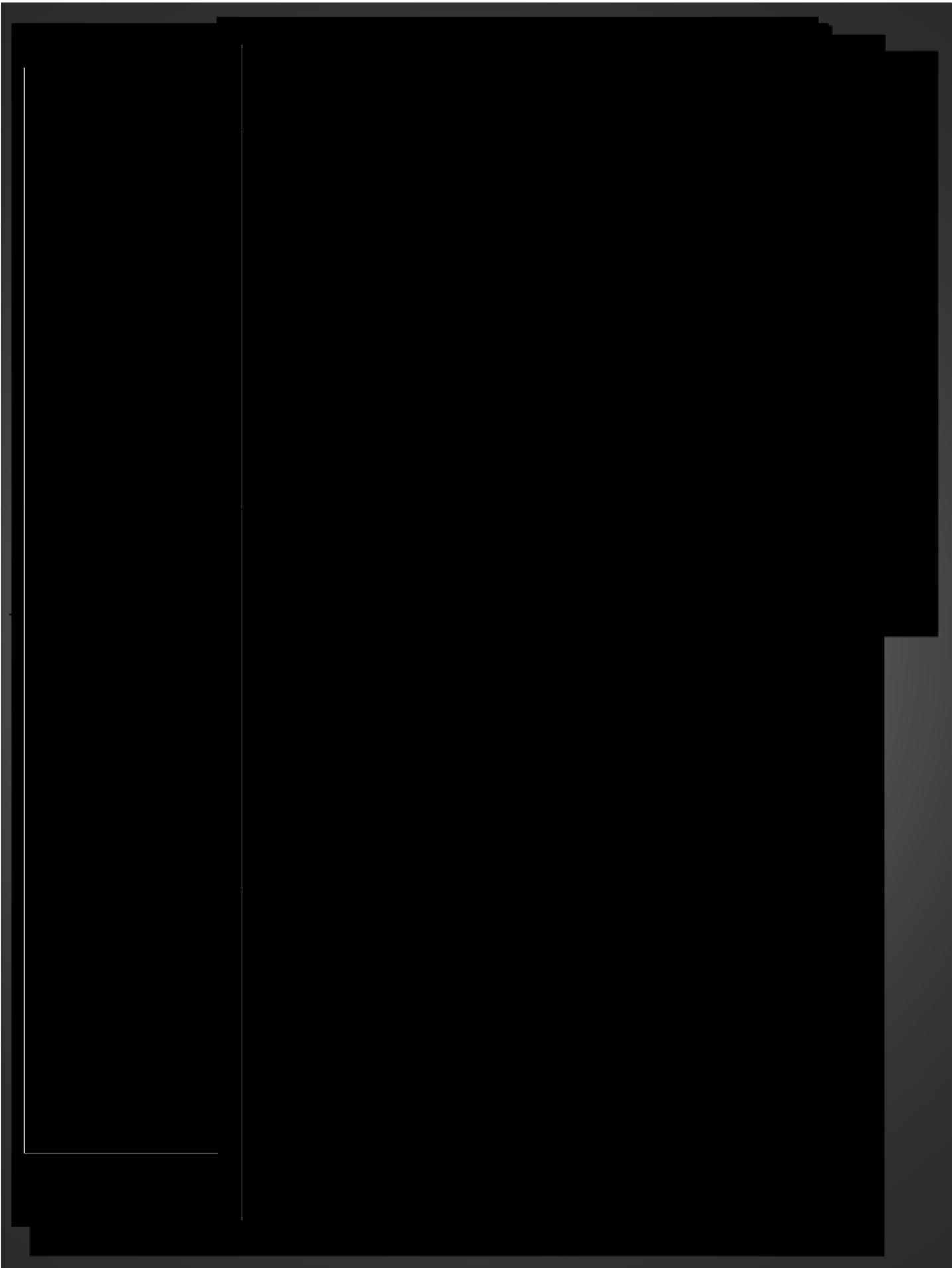
Anthony Douglas Williams - Inside the Divine Pattern

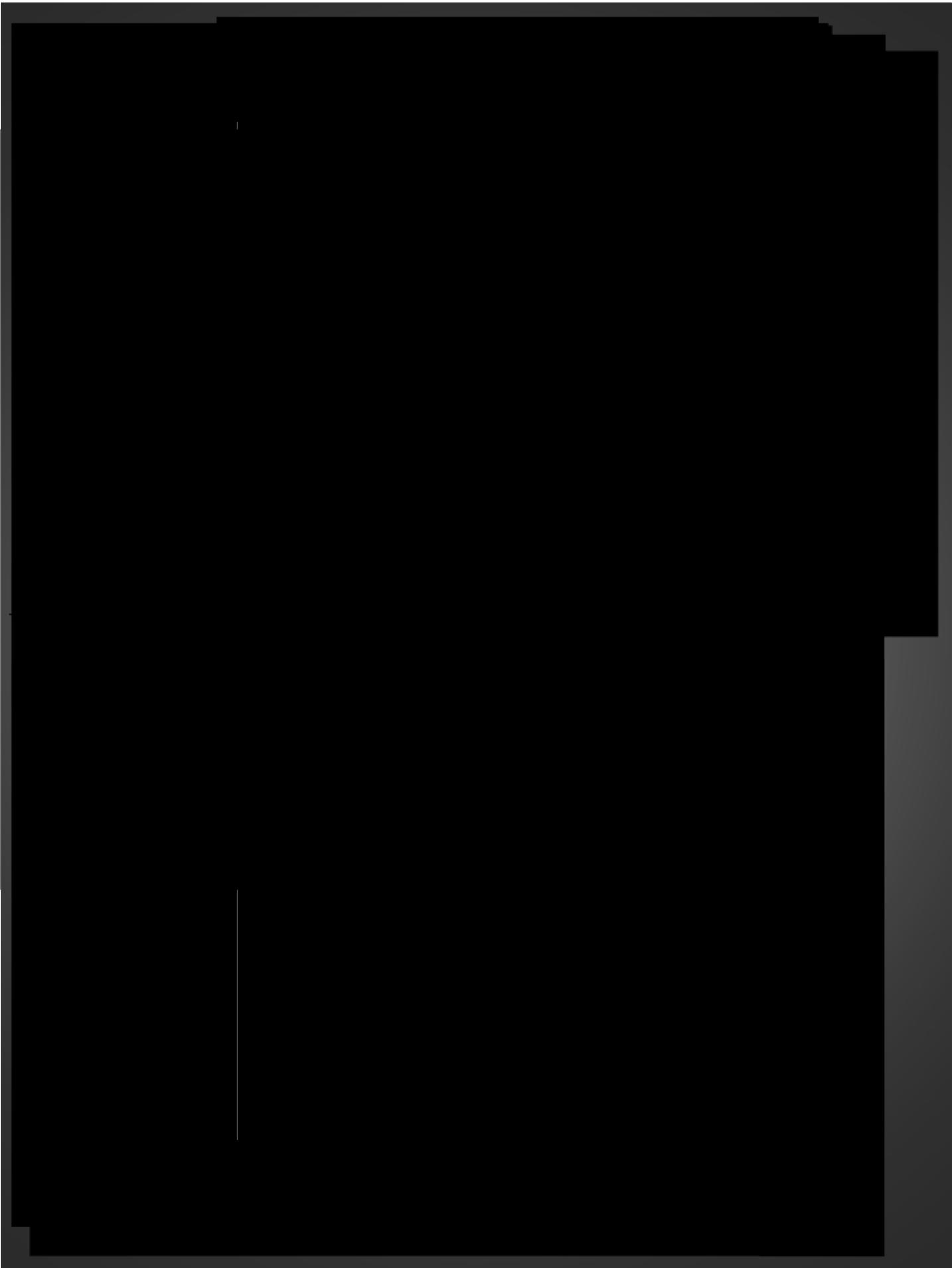












Animal Control

Health & Safety Code § 122335 –

ANIMAL CONTROL means the municipal or county animal control agency or any other entity responsible for enforcing **animal related laws**.

- Dogs running at large
- Barking dogs or loud cats
- Fresno County = Fresno Humane Animal Services
- Fresno City = CCSPCA Animal Control

CCSPCA/Humane Officers

- Are authorized to exercise powers of a peace officer while investigating animal related crimes (Cal.Corp.Code § 14502);
- Humane Officers are trained pursuant to Pen.Code § 832 in arrest and firearms;
- CCSPCA Humane Officers are Prop 115 certified;

CCSPCA/Humane Officers

- Can write and execute search and arrest warrants (Cal.Corp.Code § 14502);
- Are specially trained in animal care, identification of disease, injury and neglect of domestic and livestock;
- Can perform their duties without a contract with a city and/or county contract (Cal.Corp.Code § 14501);

CCSPCA/Humane Officers

- Can proffer a criminal complaint against any person before any court or magistrate having jurisdiction for the violation of any law affecting or relating to animals (Cal.Corp.Code § 10404); and
- Can only serve as Humane Officers under a Humane Society affiliated with the State Humane Association of California (Cal.Corp.Code § 14502).

Animal Control vs Humane Officers

Animal Control



**PROTECTS
PEOPLE FROM
ANIMALS**

Humane Officers



**PROTECTS
ANIMALS FROM
PEOPLE**

Penal Code § 597(a)

Penal Code § 597(b)

Penal Code § 597.1

Penal Code § 597(a)

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 crime punishable pursuant to subdivision (d).

= Wobbler



The People must prove:

1. Defendant *maimed, mutilated, tortured, wounded, or killed* a living animal.

AND

2. Defendant acted *maliciously*.

CalCrim 2953



MALICIOUSLY – means:

Someone acts *maliciously* when he/she does a wrongful act or when he/she acts with the unlawful intent to disturb, annoy, or injure an animal.



Torture means:

Every act, failure to act, or neglect that causes or permits unnecessary or unjustifiable physical pain or suffering.

Maiming means:

Disabling or disfiguring an animal permanently or depriving it of a limb, organ or other part of the body.



Penal Code § 597(a) = general intent

Means defendant intended to do an act prohibited by law. Whether he intended the “acts” result, is irrelevant.

Specific intent: intended to do act AND intended end result.

People v. Alvarado (2005) 125 Cal.App.4th 1179.



Penal Code § 597(b)

- “Everything Else Crime”
- When in doubt, charge 597(b)
- Every person who:
 - . . . Tortures, torments, deprives of necessary sustenance, drink or shelter, cruelly beats, mutilates, or cruelly kills an animal ; **OR**
 - **CAUSES OR PROCURES** any animal to be so . . . Tortured, tormented, etc.; **AND**



Penal Code § 597(b)

- whoever, having charge/custody of animal, as owner or otherwise, subjects the animal to needless suffering; **OR**
- inflicts unnecessary cruelty upon the animal; **OR**
- in any manner abuses an animal; **OR**
- fails to provide the animal with proper food, drink, shelter or protection from the weather.



Penal Code § 597(b)

- Wobbler
- Also a “general intent” crime
- No CalCrim
- What must be proven is set forth in case law.

People v. Speegle (1997) 53 Cal.App.4th 1405.

People v. Riazati (2011) 195 Cal.App.4th 514



To prove, must show:

1) Defendant had charge/custody of an animal; **AND**

2) commits an act or omission that recklessly exposes an animal to a high risk of death or great bodily injury;

AND

3) a reasonable person would have or should have known that the conduct was different from an ordinary careful person.



Penal Code § 597.1

- Every owner/driver/keeper
- permits animal to be in any building, enclosure, street, lane or square in any county, city, etc.,
- *without proper care and attention is guilty of a misdemeanor.*



Penal Code § 597f

- Every owner/driver/keeper
- permits animal to be in any building, enclosure, street, lane or square in any county, city, etc.,
- *without proper care and attention* is guilty of a misdemeanor.



- § 597.1 and § 597f are EXACTLY the same

- Except:

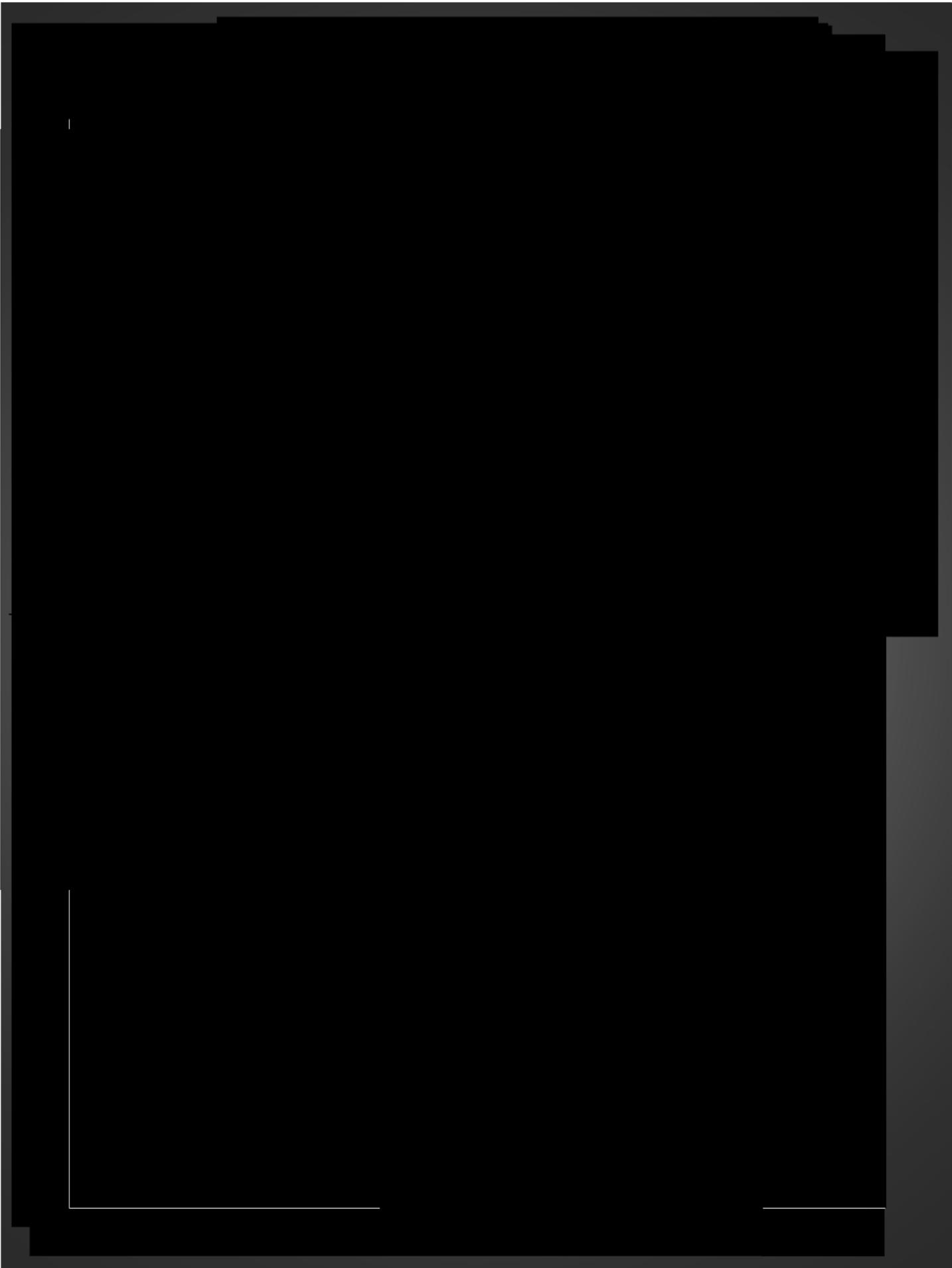
- 597f is NOT included in the prohibition of owning animals outlined in § 597.9

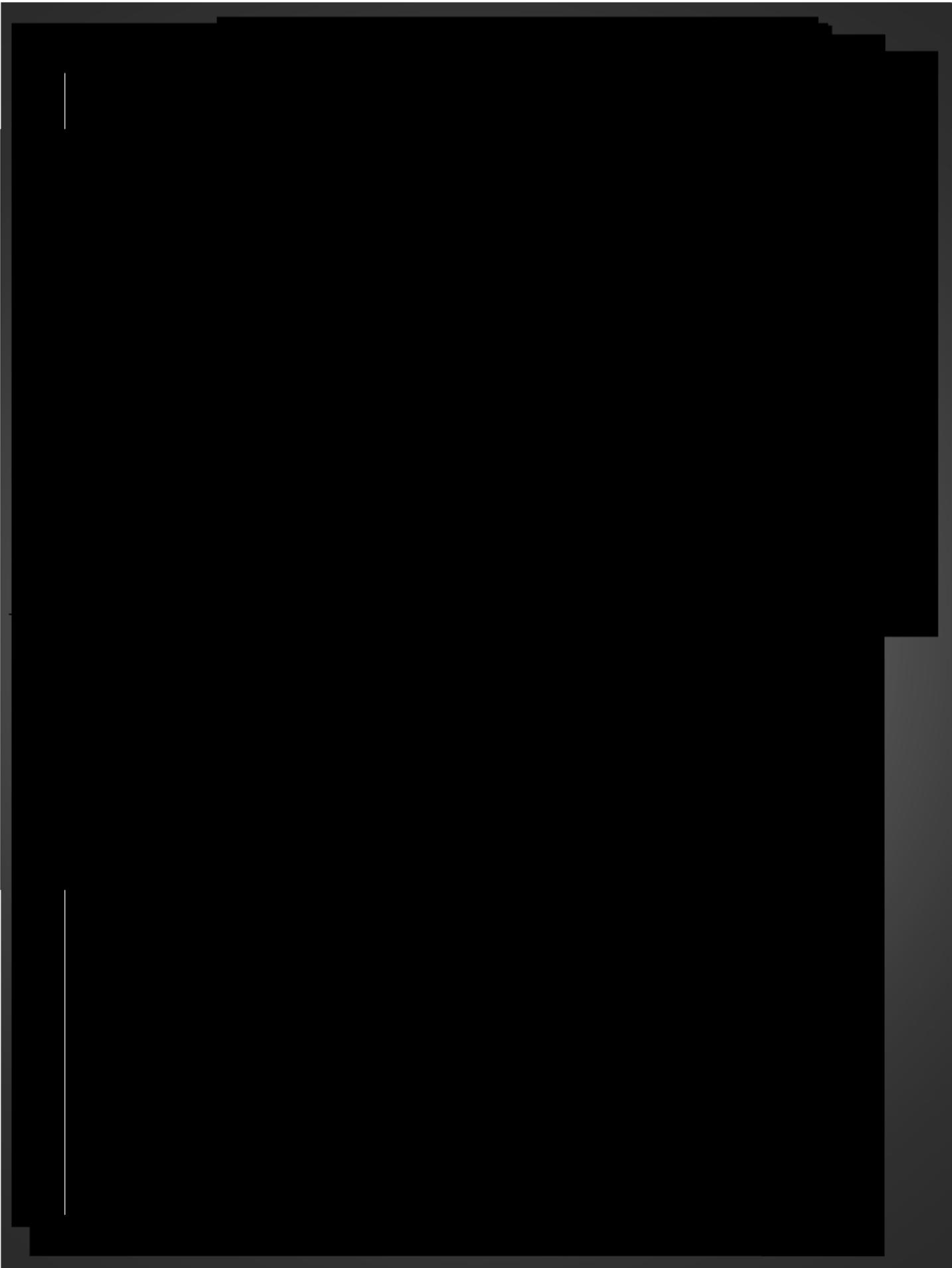


Penal Code § 12022(b)

- Enhancement – adds 1 year and makes crime a strike (§1192.7(23))
- Use of a deadly or dangerous weapon
- Includes: any object, weapon, instrument inherently dangerous or one that is *used in such a way* it is capable of causing and likely to cause death or great bodily injury.









Cock/Animal Fighting

§ 597b(a) – Animal Fights.

- Cause fight between like animals for amusement or gain or between animal & different animal/human or permits same on premises.
- = misdemeanor/felony

§ 597b(b) – Cockfighting. Same elements as above but specific to fighting Birds

§ 597b(c) – 2nd conviction misd or felony.

§ 597b(d) - Aiding and abetting requires more than merely being present as a spectator.

Cock/Animal Fighting

§ 597c – Spectators Cockfights = misd.

- Spectators must be “knowingly present”

§ 310 – Minor present at cockfight = misd

§ 597i – Possession of Gaffs, Slashers, etc.
= Misd.

§ 597j – Own, Possess, train with intent to fight
birds.

Cock/Animal Fighting

§ 597d – Warrantless Search/Arrest

- Any sheriff, police, or peace officer or officer qualified under Cal.Corp.Code § 14502 (Humane Officer) may enter any place, building, or tenement where there is an exhibition of fighting of *birds or animals* or preparations being made for such exhibition **without a warrant** and arrest all persons present.

Dog Fighting - § 597.5(a)

- owns, possesses, keeps, trains;
- with intent dog shall engage in exhibition of fighting with another dog;
- For amusement or gain – causes dogs to fight or cause injury to another dog;
- Permits to be done on any premises under charge/control or aids/abets such act
- = Felony

Dog Fighting - § 597.5(b)

- Any person *knowingly present* as a spectator where preparations being made for dog fighting with intent to be present OR knowingly present at exhibition or any other fighting or injury under (a)(2) with intent to be present at that exhibition, fighting or injury.
- = Misdemeanor

Dog Fighting

§ 597d – Warrantless Search/Arrest

- Any sheriff, police, or peace officer or officer qualified under Cal.Corp.Code § 14502 (Humane Officer) may enter any place, building, or tenement where there is an exhibition of fighting of birds or *animals* or preparations being made for such exhibition **without a warrant** and arrest all persons present.

Animals in Unattended Vehicles

§ 597.7(a), (b)

- Unless animal suffers GBI, first conviction is an infraction.
- If suffers GBI = misd/felony
- Second conviction is a misdemeanor;

FILING TIP:



Animals in Unattended Vehicles

§ 597.7(c)(1) - If animal is in immediate danger, peace officer, humane officer, or animal control officer can immediately remove animal if its safety appears to be in danger from heat, cold, lack of ventilation, food, water or other circumstances that could reasonably lead to suffering, disability or death.



Other Sections

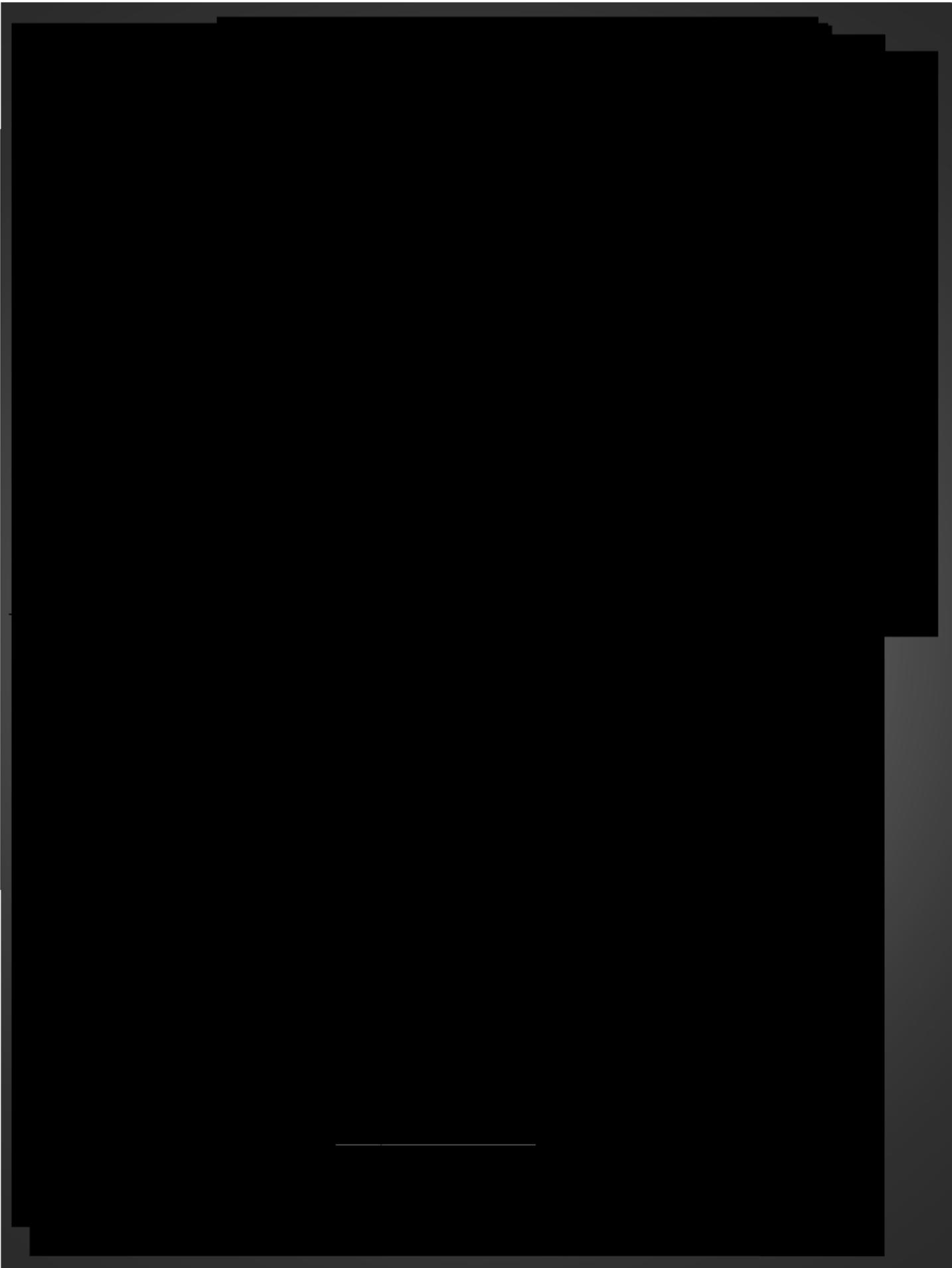
- § 286.5 – Sexual Assault on animals (M)
- § 597a – Cruelty in transporting animals (M)
- § 597t – Mistreatment of confined animals (M)
- § 597s – Willfully abandoning animal (M)
- § 597.4 – selling/giving away live animals on public street. (I/M)

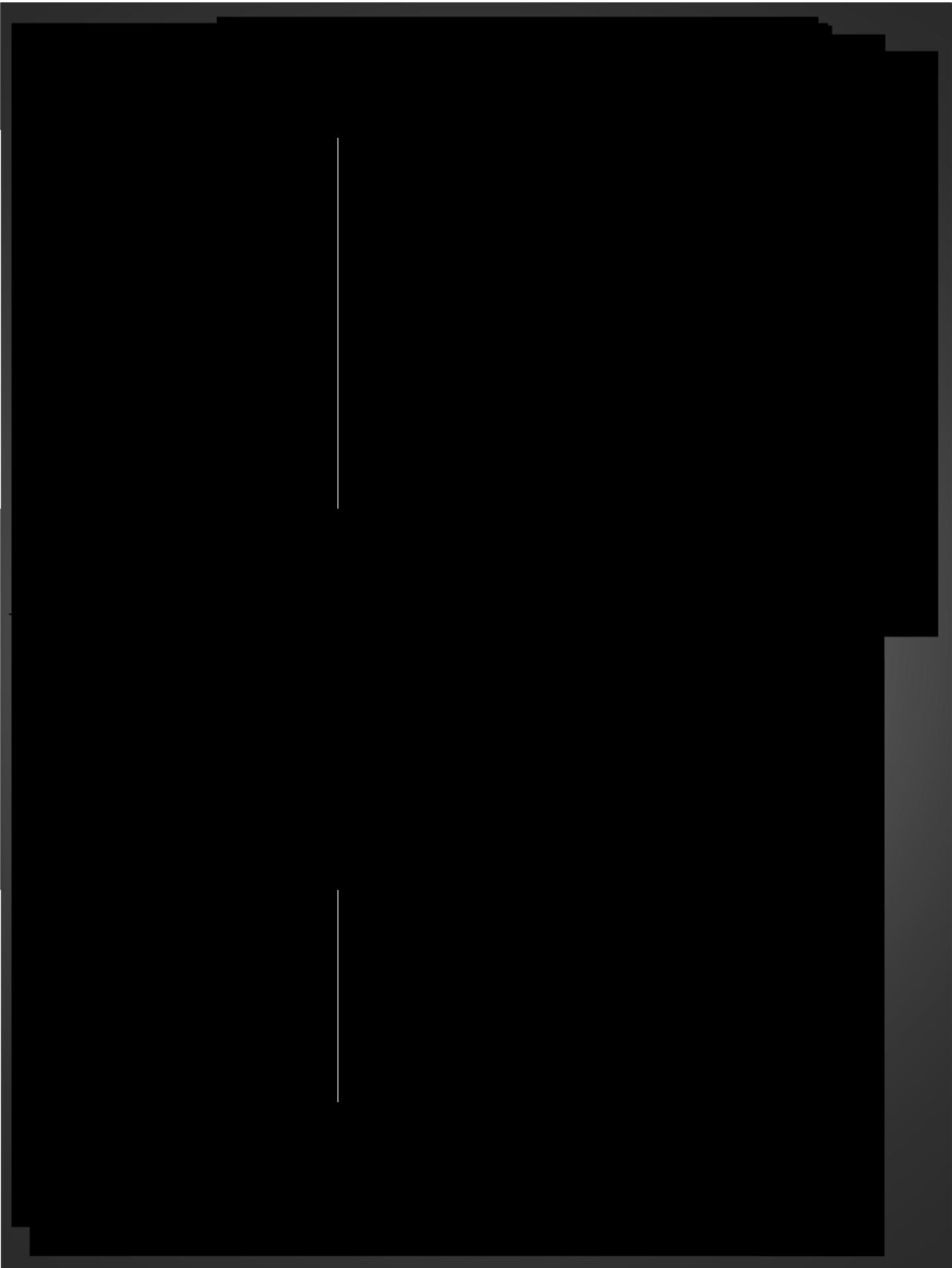
Other Sections

- § 597e – Impounding w/o sufficient food/water
- Person who impounds or causes to impound domestic animal SHALL supply it with sufficient wholesome food and water.
 - After 12 consecutive hours, it is lawful for a person to enter and supply with necessary food/water and can collect reasonable costs.

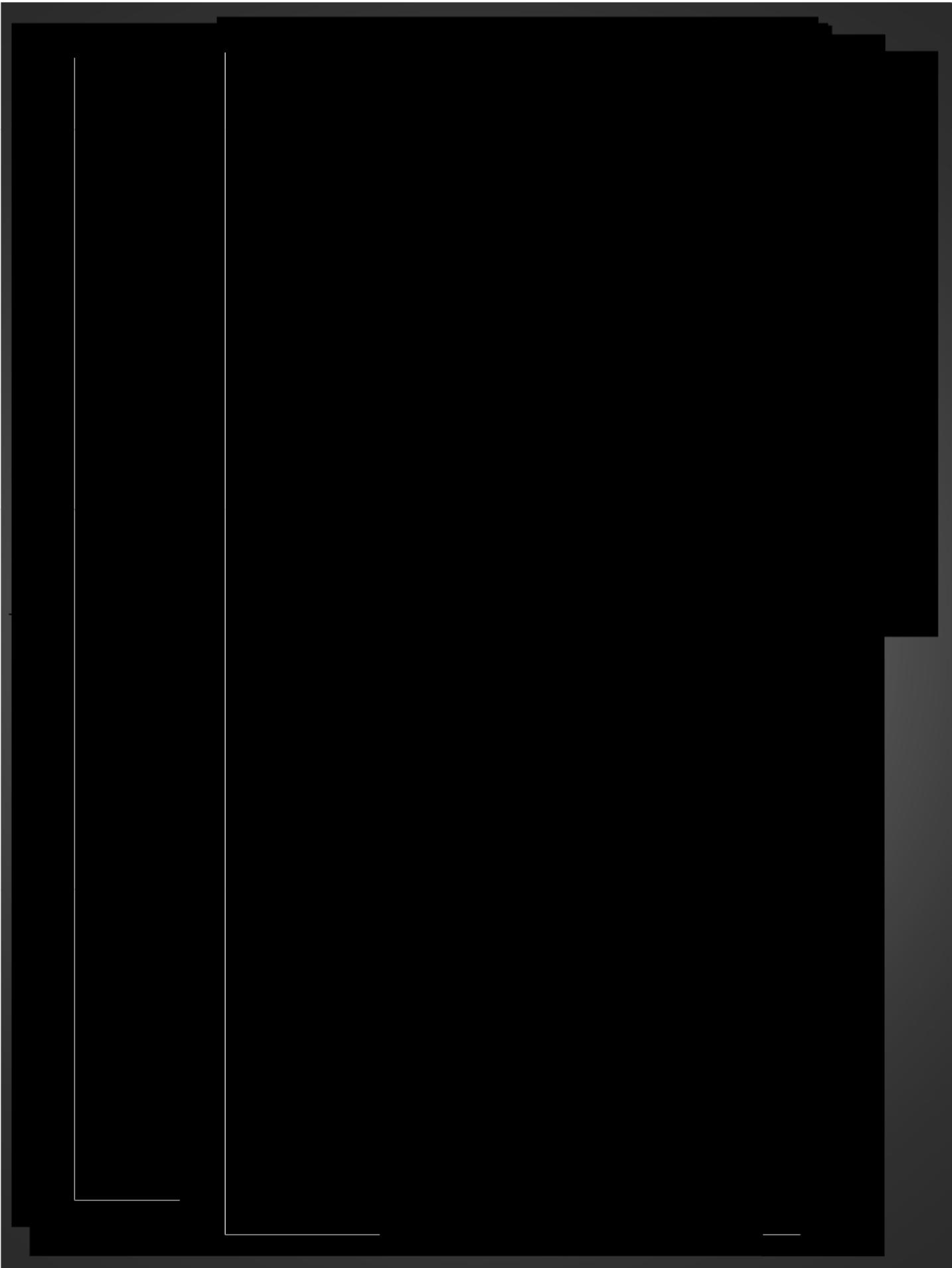
Health & Safety Code § 122335(W)

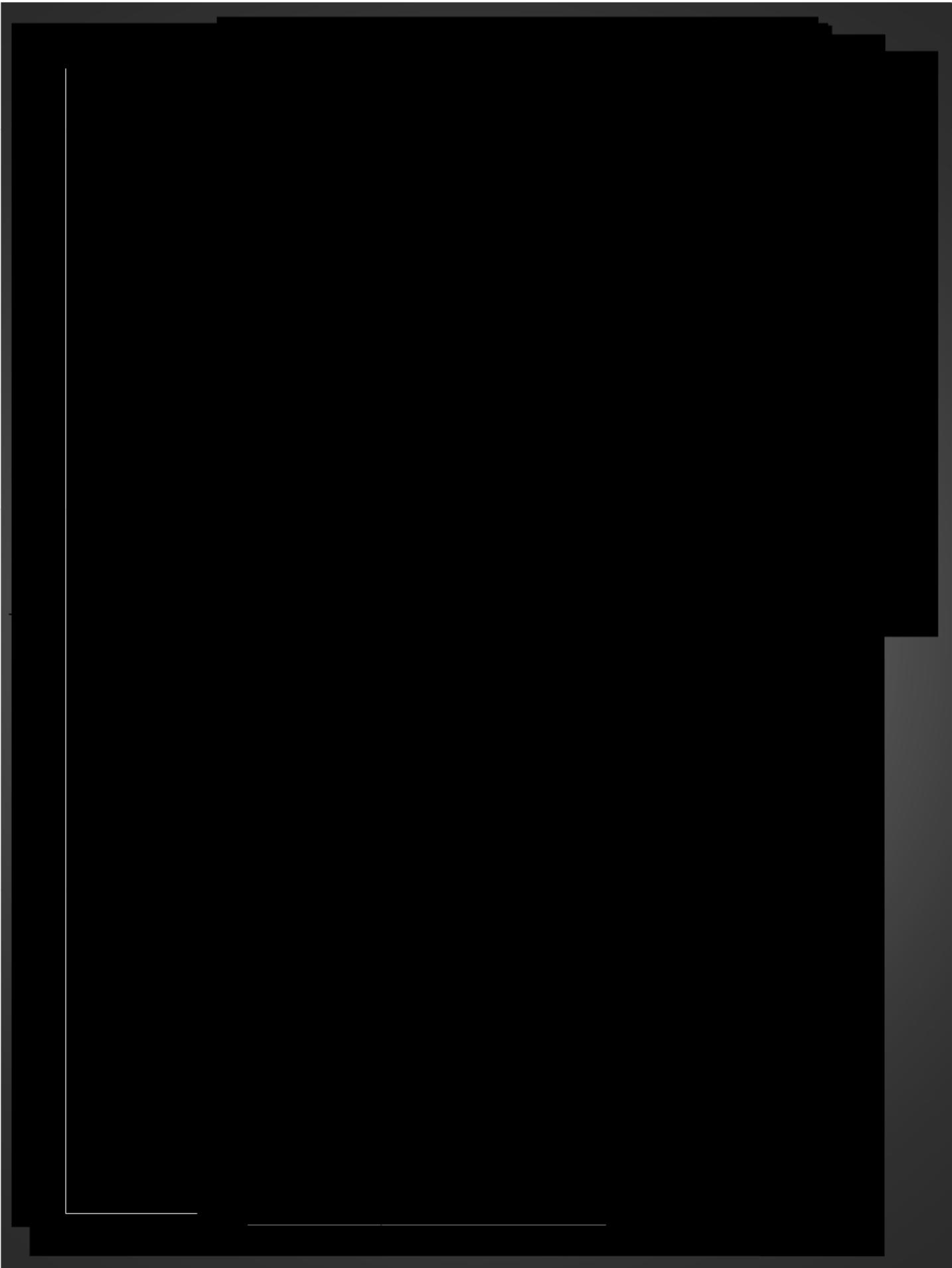
- no person shall tether, fasten, chain or restrain a dog or cause such to a dog house, tree, fence or other stationary object;
- *except may do the above IF:*
 - the tie is no longer than necessary to complete a temporary task that requires restraining for a reasonable period (NTE 3hrs/24hr); or
 - Attached to a running line, pulley or trolley system. Use of a choke/pinch collar not allowed.

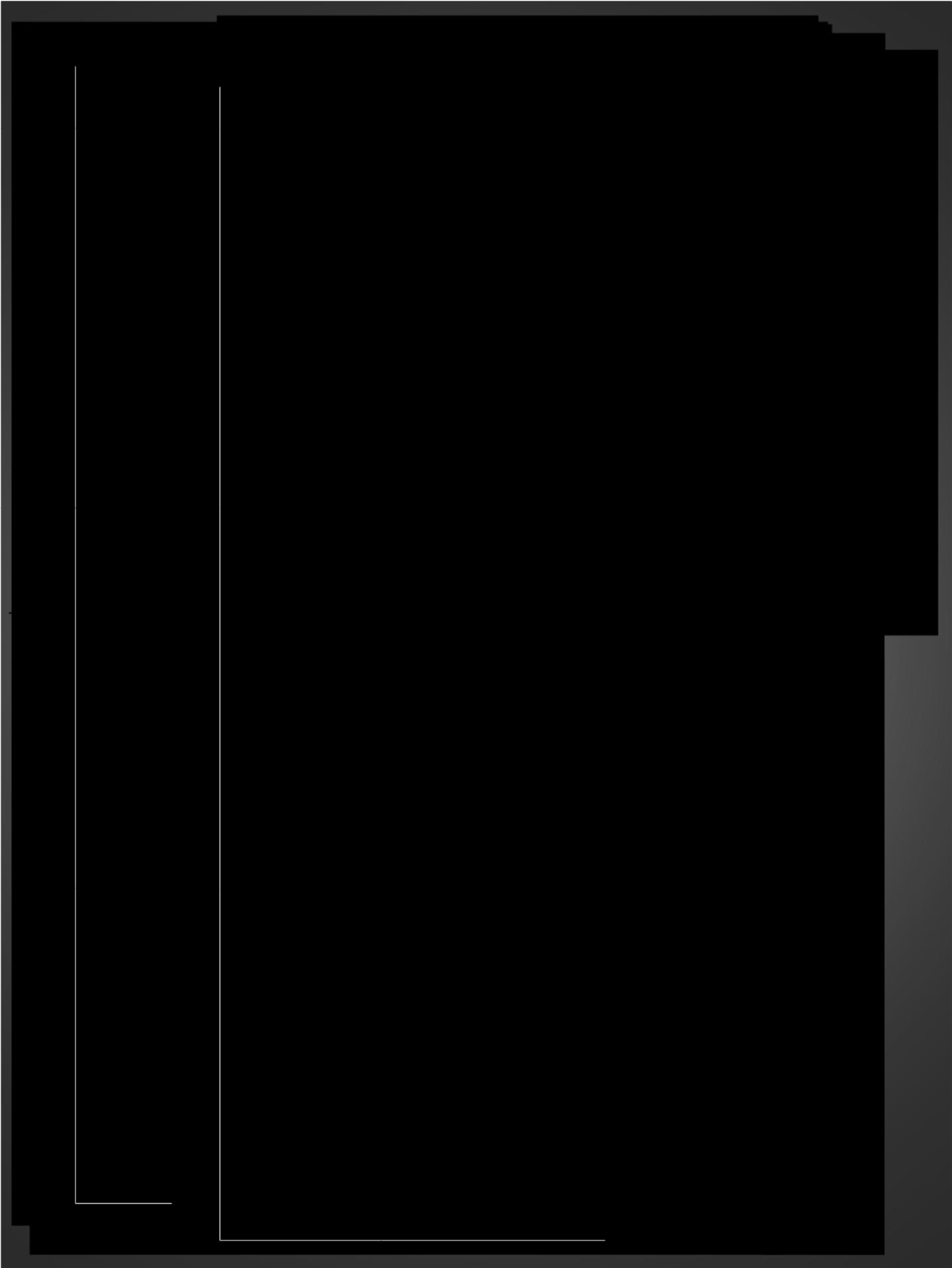


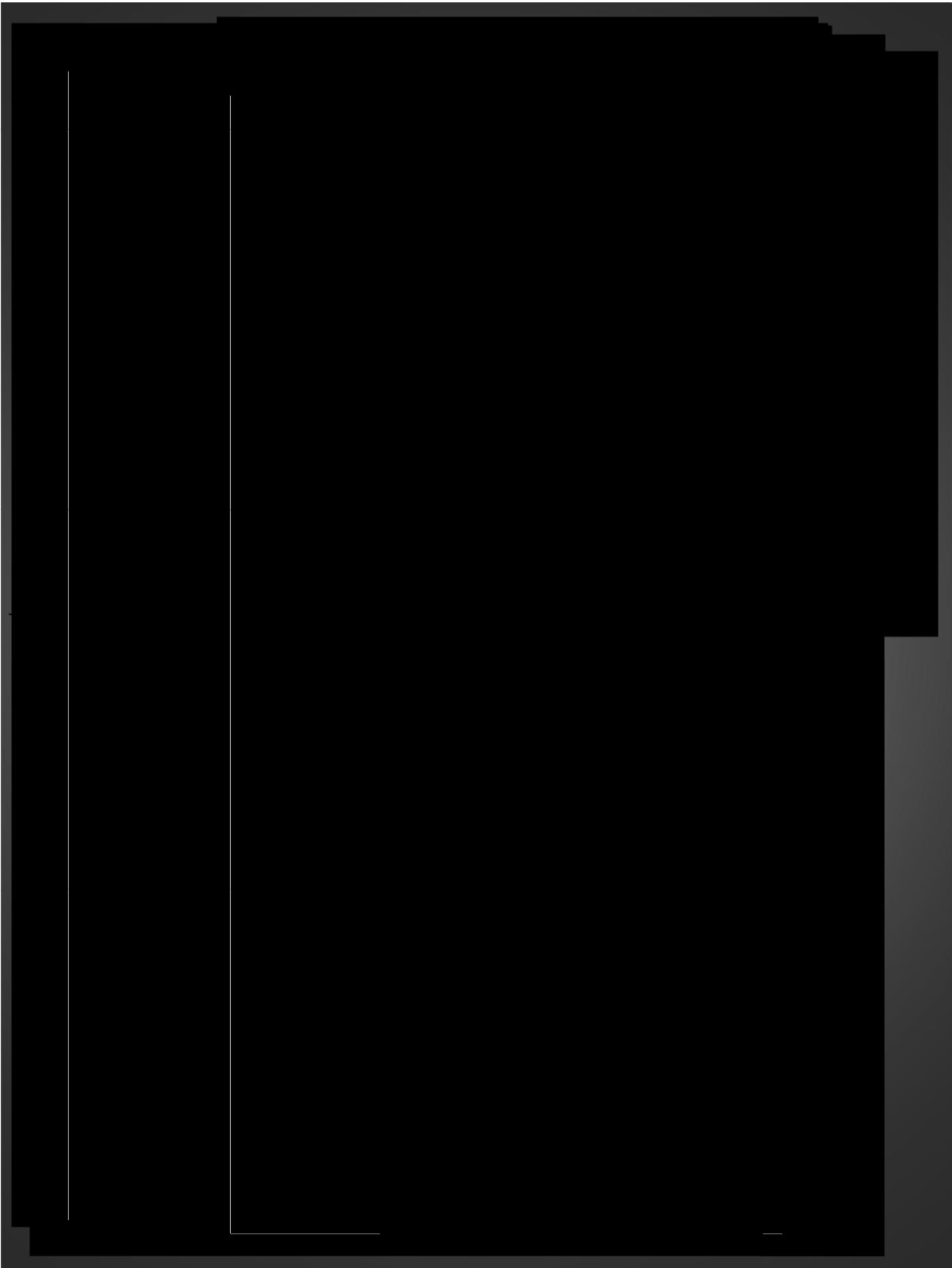












- Civil laws involving seizure of animals
 - PC §597.1(f), (g), (h)

