

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: June 21, 2019

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso  Chief Legislative Analyst Council File No: 19-0002-S33
Assignment No: 19-02-0180

SUBJECT: Circus Cruelty Prevention Act

CLA RECOMMENDATION: Adopt Resolution (Koretz – Blumenfield) to include in the City’s 2019-2020 State Legislative Program SUPPORT for SB 313 (Hueso) which would prohibit the use of any animal other than a domestic dog, domestic cat, or horse, in a circus performance in the state of California.

SUMMARY

The Resolution (Koretz – Blumenfield) notes the multitude of abusive practices used for animal performances by circuses and other traveling animal shows, including the use of whips, muzzles, electric prods, and bullhooks. Additionally, animals in traveling shows are frequently given improper care during transport.

The Resolution recommends support for SB 313 (Hueso), the Circus Cruelty Prevention Act, which would prohibit the use of any animal other than a domestic dog, domestic cat, or horse in a circus.

BACKGROUND

Existing law regarding circuses and other traveling animal shows is sparse. Local and state efforts to regulate transient circuses and other traveling shows featuring wild and exotic animals are hampered by a lack of specialized knowledge and training on the part of local animal control officers and inspectors, and an inclination to defer to the U.S. Department of Agriculture, whose regulations and resources often are inadequate to protect the animals. The City of Los Angeles has previously recognized the danger to the animals and the public with regard to elephant performances. The City banned the use of bullhooks, which led to a statewide ban and subsequently the end of elephants performing in the Ringling Bros/Barnum and Bailey Circus.

On April 25, 2017, Council adopted a motion, as amended, requesting the City Attorney to prepare and present an Ordinance that would prohibit the exhibition of wild or exotic animals for entertainment or amusement. The motion included the following exception: with exceptions for accredited zoos accredited by the Association of Zoos and Aquariums, and/or the United States Department of Agriculture, the United States Fish and Wildlife Service, and the California Fish and Wildlife Service, legitimate filming purposes, research facilities, and legitimate conservation-related programs or presentations. On October 24, 2018, the City Attorney submitted an ordinance

pursuant to that motion. The Ordinance has yet to be heard by the Personnel and Animal Welfare Committee.

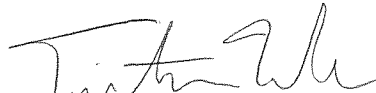
SB 313 would protect a number of animals from being used in a circus, which is defined as performances before a live audience in which entertainment consisting of a variety of acts such as acrobats, aerialists, clowns, jugglers, or stunts is the primary attraction or principal business. SB 313 was amended to exclude rodeos from the definition of circus. The Circus Cruelty Prevention act would allow the Department of Fish and Wildlife to assess a penalty of no more than \$25,000 per day to any person violating its prohibitions.

BILL STATUS

02/15/19 Introduced.
02/28/19 Referred to Committee on Natural Resources and Water and Committee on the Judiciary.
04/09/19: From committee: Do pass and re-refer to Committee on Judiciary. (Ayes 7. Noes 0.)
04/11/24: From committee: Do pass as amended and re-refer to Committee on Appropriations (Ayes 7. Noes 0.)
05/20/19: Read third time. (Passed. Ayes 34. Noes 0.) Ordered to the Assembly.
06/03/19 Referred to Committees on Water, Parks, and Wildlife, and Committee on Judiciary.

DEPARTMENTS NOTIFIED

Department of Animal Services
City Attorney


Tristan Noack
Analyst

SMT:tcjn

Attachment: Resolution

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, bears, tigers, elephants and other wild animals don't perform difficult tricks in circuses and other shows because they want to, but rather because they're afraid of what will happen to them if they don't because they are trained to do these tricks with whips, muzzles, electric prods, bullhooks (which now are illegal in California) and other weapons that cause them pain and injury; and

WHEREAS, traveling exhibitors haul animals across the country year-round, through cold, heat and other weather extremes, confining them in trailers, trucks or rail cars where they may not have access to trailers or trucks, or basic necessities such as climate control, room to move, food, water and veterinary care; and

WHEREAS, local and state efforts to regulate transient circuses and other traveling shows featuring wild and exotic animals are hampered by a lack of specialized knowledge and training on the part of local animal control officers and inspectors, and an inclination to defer to the U.S. Department of Agriculture, whose regulations and resources often are inadequate to protect the animals; and

WHEREAS, performing wild animals also pose a danger to the public and their trainers when they act on their natural instincts and charge handlers or audiences, escape into public spaces and sometimes end up being killed in order to protect people and property; and

WHEREAS, the City of Los Angeles has previously recognized these issues with regard to elephants, banning the use of bullhooks, which led to a statewide ban and subsequently the end of elephants performing in the Ringling Bros./Barnum and Bailey Circus; and

WHEREAS, State Senator Ben Hueso (D-San Diego) has introduced SB 313, the "Circus Cruelty Prevention Act," which prohibits the use of a narrowly-tailored list of wild and exotic animals who are inherently unsuitable for a transient existence and a life of degrading performances, including elephants, tigers, camels and others in circuses and traveling animal acts; and

WHEREAS, this bill constructively expands upon the work the City of Los Angeles has done – and is doing – to offer broader protections to wild and exotic animals, and deserves the City's support.

NOW, THEREFORE, BE IT RESOLVED, THAT, with the concurrence of the Mayor, by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2019-2020 State Legislative Program support for SB 313 to prohibit the use of certain wild or exotic animals in circuses or traveling animal shows within the state of California for the protection of the animals and the public alike.

PRESENTED BY: Paul Koretz
PAUL KORETZ, Councilmember, Fifth District

SECONDED BY: [Signature]

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