

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: April 6, 2018

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

FROM: Sharon M. Tso 
Chief Legislative Analyst Council File No: 18-0002-S32
Assignment No: 18-03-0273

SUBJECT: Mandatory counseling for animal abuse.

CLA RECOMMENDATION: Adopt Resolution (Koretz - Blumenfield) to include in the City's 2017-2018 State Legislative Program SUPPORT for SB 1024 (Wilk), the Animal Cruelty and Violence Intervention Act of 2018, which would require a defendant convicted of certain offenses against animals to undergo a mandatory mental health evaluation, along with mandatory counseling, and a responsible animal owner education course.

SUMMARY

The connection between cruelty to animals and violence against humans is well documented. Animal abusers have been shown to be more likely to commit acts of violence against humans: 60 percent of domestic violence offenders abused animals, and 90 percent of mass shooting suspects have had a history of being cruel to animals. SB 1024 was introduced in efforts to address the link between animal abuse and violence towards humans, and to stop the escalation of dangerous behavior among offenders who hurt animals.

SB 1024 would require those convicted of animal abuse, whether they are granted probation or not, to receive a mandatory mental health evaluation. If the mental health professional conducting the evaluation deems counseling necessary, then the defendant would be required to undergo counseling at his or her expense. Additionally, all defendants convicted of the offenses specified in SB 1024 would be required to pay for and complete a responsible animal owner education course. SB 1024 would also increase the fines associated with animal abuse.

The Resolution recommends support of SB 1024, the Animal Cruelty and Violence Intervention Act, which would require a defendant convicted of certain offenses against animals to undergo a mandatory mental health evaluation, along with mandatory counseling, and a responsible animal owner education course.

BACKGROUND

Existing law requires that only defendants given probation complete court-ordered counseling. SB 1024 would include all defendants convicted of certain offenses committed against animals to undergo counseling if deemed necessary by a mental health professional following a mandatory mental health evaluation. SB 1024 would require termination of any diversion program, probation, mandatory supervision, or postrelease community supervision, should a defendant fail to complete these requirements.

The responsible animal owner course (five hours) required by SB 1024 would include the following topics: Responsible care concepts for animals, both livestock and nonlivestock, including instruction on providing for the health, safety, and welfare of livestock and nonlivestock animals and wildlife, including appropriate shelter and housing, the importance of spaying and neutering, and the proper tethering and transportation of animals. Responsible pet ownership topics, such as, ensuring the safety of both the community and the animal and bite prevention. Respect and observance of federal and state laws that protect livestock animals, nonlivestock animals and wildlife. The course would also include an overview of state and federal laws related to cruelty to livestock and nonlivestock animals, animal fighting, and appropriate training and discipline tactics for livestock and nonlivestock animals.

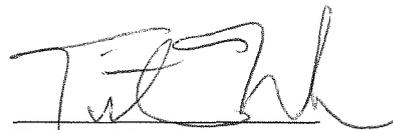
The defendant would be required to pay for the mandatory mental health counseling and responsible animal owner course. The fine for certain offenses against animals would increase from \$1,000 to \$2,000.

BILL STATUS

02/07/18 Introduced. Read first time. To Committee on Rules for assignment. To print.
02/14/18 Referred to Committee on Rules.
04/02/18 From Committee on Rules with author's amendments. Read second time and amended. Re-referred to Committee on Rules.
04/04/18 Re-referred to Committee on Public Safety.

DEPARTMENTS NOTIFIED

Department of Animal Services



Tristan Noack
Analyst

SMT:tn

Attachment: Resolution

RESOLUTION

RULES, ELECTIONS, INTERGOVERNMENTAL RELATIONS

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

WHEREAS, Animal cruelty and abuse are serious crimes which can be injurious or fatal for animals of all kinds and violence against animals has been found to be a predictor for many people who later commit acts of violence against humans, including domestic violence, child abuse or more heinous acts; and

WHEREAS, Nikolas Cruz, the perpetrator of the February 14 shooting in Parkland, Florida that took the lives of 17 students and faculty after having previously tortured and killed squirrels, chickens and toads and tormented rabbits, dogs and pigs is only the most recent highly visible example of this connection; and

WHEREAS, state Penal Code Section 597 includes the current statutes dealing with these crimes and specifying punishments including fines, jail time, probation, forced animal surrender and, in the case of intentional and passive animal cruelty, mandatory counseling; and

WHEREAS, law enforcement and human behavioral professionals alike have stated that the perpetrators of crimes against animals not only deserve stiff punishment but also need to have the underlying causes of their criminality examined and addressed; and

WHEREAS, legislation is needed to address the concerns of the law enforcement, mental health and animal welfare communities that current penalties are neither restorative nor rehabilitative and that those penalties do not sufficiently address the root causes of these crimes, nor do they adequately reduce recidivism among offenders or the potential for escalation of violent behavior by those offenders; and

WHEREAS, Senate Bill 1024 (Wilk) focuses on retaining and enhancing appropriate punishments while adding provisions to Penal Code Section 597 that require convicted offenders under animal abuse statutes to complete an approved animal abuse education course; and

WHEREAS, SB 1024 also requires that all convicted animal abuse or cruelty offenders undergo a mental health evaluation and, if deemed beneficial, ongoing up to one year of therapy from a mental health professional; and

WHEREAS, the bill allows for an increase in fines levied for convictions to support the state's costs relating to its provisions.

NOW, THEREFORE BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2018 State Legislative Program SUPPORT for Senate Bill 1024 to amend Penal Code Section 597 to add provisions regarding animal abuse and cruelty.

PRESENTED BY: Paul Koretz
PAUL KORETZ
Councilmember, Fifth District

SECONDED BY: [Signature]

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OFFICE OF THE CLERK OF THE CITY COUNCIL

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