

July 9, 2003

Hon. Bill Lockyer
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Tricia Knight
Initiative Coordinator

Dear Attorney General Lockyer:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative entitled "Limitation on Cruel Confinement of Pigs" (File No. SA2003RF0023).

Major Provisions

Under current law, keeping an animal confined in an enclosed area without an adequate exercise area is a misdemeanor. Many farm-raised pigs are housed in crates or cages of a size that restricts the pig's ability to move. Primarily sows raised for breeding are housed in this manner. Current law has generally not been applied to farm-raised pigs.

This statutory measure amends the Penal Code to prohibit the housing of a pregnant farm pig in an enclosure too small for the pig to turn around. The measure also prohibits the tethering of a pregnant farm pig in a manner that prevents it from turning around. The measure authorizes a separate misdemeanor charge for the unlawful confinement or tethering of each pig. The measure allows for specified exceptions to its provisions. Specifically, the measure does not apply to county fairs or during medical procedures or examinations. The measure also allows pigs to be housed in this manner during the seven-day period prior to the expected date of giving birth. The measure would become effective on January 1, 2008.

Fiscal Effect

This measure would result in unknown, but probably minor, local and state criminal justice costs for enforcement and prosecution of individuals charged with the new pig confinement offense. These costs would likely be offset in part by revenue from the collection of misdemeanor fines.

Summary

This measure would result in the following fiscal impact:

- Probably minor local and state criminal justice enforcement and prosecution costs, offset in part by increased fine revenue.

Sincerely,

Elizabeth G. Hill
Legislative Analyst

Steve Peace
Director of Finance