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### Code Text

CIVIL CODE - CIV

**DIVISION 4. GENERAL PROVISIONS [3274 - 9566]** (*Heading of Division 4 amended by Stats. 1988, Ch. 160, Sec. 16.*)

**PART 3. NUISANCE [3479 - 3508.2]** (*Part 3 enacted 1872.*)

**TITLE 4. MOTION PICTURES [3504 - 3508.2]** (*Title 4 added by Stats. 1978, Ch. 1152.*)

(a) The exhibition of any motion picture, if any intentional killing of, or **cruelty** to, a human being or an animal is shown in the motion picture and such intentional killing of, or **cruelty** to, a human being or an animal actually occurred in the production of the motion picture for the purpose of such production, is a nuisance, which shall be enjoined, abated, and prevented.

(b) As used in this section, "killing" and "**cruelty**" mean conduct which both (1) results in the death or the infliction of any physical injury or wound, including, but not limited to, any temporary or permanent physical harm resulting from the administration of any drug or chemical, and (2) is patently offensive to the average person, applying contemporary statewide community standards. It does not include conduct committed against a human being to which the human being has given his or her consent. In determining whether conduct is patently offensive, the trier of fact may consider any or all of the following: (i) the degree or extent of the physical injury inflicted, (ii) the manner in which the injury is inflicted, (iii) the extent to which the injuring or wounding or acts resulting therein are depicted on the screen, (iv) the number of instances of infliction of injury, wound or harm occurring in the making of the motion picture, and (v) whether such conduct is lawful or unlawful under any provision of law other than this title.

(c) For the purposes of this section, it shall not be a requirement that the entire motion picture and all of the conduct resulting therein be taken into account in determining whether a nuisance exists, and to this end, the Legislature finds and declares that any specific conduct which intentionally results in the killing of, or **cruelty** to, an animal or a human being in the making of a motion picture is unnecessary and is a nuisance, and that if a motion picture cannot be completed in the absence of such conduct, it is, therefore, a nuisance in its entirety.

(*Added by Stats. 1978, Ch. 1152.*)