

AMENDED IN ASSEMBLY AUGUST 27, 2001

AMENDED IN ASSEMBLY JULY 9, 2001

SENATE BILL

No. 769

Introduced by Senator Figueroa

February 23, 2001

An act to amend Sections 121890, 121920, and 121940 of, and to add Sections 121881, 121896, 121906, 121907, 121916, 121917, 121918, 121919, 121921, and 121945 to, the Health and Safety Code, relating to dogs.

LEGISLATIVE COUNSEL'S DIGEST

SB 769, as amended, Figueroa. Sentry dogs.

Existing law establishes limitations and procedures with respect to the use of sentry dogs.

This bill would require any person, firm, partnership, association, or corporation that operates or maintains a business to sell, rent, or train any attack, guard, or sentry dog to obtain a permit from the local public agency or private society or pound contracting with the local public agency for animal care or protection services. The bill would also require each local agency to adopt and implement a permit program for the administration of the permit requirement by the local agency or private society or pound contracting with the local public agency for animal care or protection services and would permit the local agency to pass an ordinance establishing standards for the care of animals under this bill. This bill would also give the local agency the authority to revoke, in specified circumstances, any permit it has issued. This bill would also require microchipping of animals subject to this bill for identification purposes, and would also require certain immunizations

of the animals. This bill would also establish civil penalties for violation of its provisions.

To the extent this bill would increase the responsibilities of local agencies, this bill would result in a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 121881 is added to the Health and
- 2 Safety Code, to read:
- 3 121881. For purposes of this chapter, “guard dog” or “attack
- 4 dog” means any dog trained to guard, protect, patrol, or defend
- 5 any premises, area, or yard, or any dog trained as a sentry or to
- 6 protect, defend, or guard any person or property, or any dog such
- 7 as a schutzhund or any similar classification.
- 8 SEC. 2. Section 121890 of the Health and Safety Code is
- 9 amended to read:
- 10 121890. For purposes of this chapter, “tracker dog” means a
- 11 dog trained to work with a handler in searching facilities for
- 12 burglary suspects and other intruders.
- 13 SEC. 3. Section 121896 is added to the Health and Safety
- 14 Code, to read:
- 15 121896. For purposes of this chapter, “trainer” means any
- 16 person who engages in the practice of training any attack, guard,
- 17 or sentry dog.
- 18 SEC. 4. Section 121906 is added to the Health and Safety
- 19 Code, to read:



1 121906. “Person” means any individual, partnership, firm,
2 joint stock company, corporation, association, trust, estate, or
3 other legal entity.

4 SEC. 5. Section 121907 is added to the Health and Safety
5 Code, to read:

6 121907. “Owner” means any person who has purchased, or
7 obtained legal custody of, an attack, guard, or sentry dog.

8 SEC. 6. Section 121916 is added to the Health and Safety
9 Code, to read:

10 121916. (a) Any person or owner of an attack, guard, or
11 sentry dog that operates or maintains a business to sell, rent, or
12 train an attack, guard, or sentry dog shall obtain a permit from the
13 local public agency or private society or pound contracting with
14 the local public agency for animal care or protection services.

15 (b) Each local agency shall adopt and implement a permit
16 program for the administration of subdivision (a) by the local
17 agency or private society or pound contracting with the local
18 public agency for animal care or protection services. *A local*
19 *agency may charge a fee for the issuance or renewal of a permit*
20 *required under this section. The fee shall not exceed the actual*
21 *costs for the implementation of the permit program.*

22 (c) For purposes of this section, “local public agency” means
23 a city, county, or city and county.

24 SEC. 7. Section 121917 is added to the Health and Safety
25 Code, to read:

26 121917. (a) An applicant, when applying for a permit
27 pursuant to Section 121916, shall furnish the local public agency
28 with a list of the types of animals to be kept or used for any purpose,
29 with the estimated maximum number of animals to be kept.

30 (b) An applicant shall furnish the local public agency with the
31 name and the telephone number of a responsible person who has
32 access to the animals and who can be reached during an
33 emergency.

34 (c) An applicant shall notify the local public agency when any
35 animal for which a permit is required is kept or maintained.

36 (d) The local public agency may establish the maximum
37 number of animals to be kept or maintained on the premises.

38 (e) Any permittee shall report in writing any change in address,
39 ownership, or management to the local public agency at least 15
40 days prior to any change.



- 1 (f) Any permittee shall maintain a register of the name and
- 2 address of any person from whom any animal is received and to
- 3 whom any animal is sold, traded, or given. This list shall be
- 4 available to the local public agency representative upon demand.
- 5 SEC. 8. Section 121918 is added to the Health and Safety
- 6 Code, to read:
- 7 121918. For the protection and welfare of any dog under this
- 8 chapter, the local public agency may adopt an ordinance to require
- 9 or prohibit any of the following:
- 10 (a) Any permittee shall supply each animal with sufficient,
- 11 good, and wholesome food and water as often as the feeding habits
- 12 of the animal requires.
- 13 (b) Any permittee shall keep each animal and animal quarters
- 14 in a clean and sanitary condition.
- 15 (c) Any permittee shall provide each animal with proper shelter
- 16 and protection from the weather at all times. An animal shall not
- 17 be overcrowded or exposed to temperatures detrimental to the
- 18 welfare of the animal.
- 19 (d) Any permittee shall not allow any animal to be without care
- 20 or control in excess of 12 consecutive hours.
- 21 (e) Any permittee shall take every reasonable precaution to
- 22 ensure that no animal is teased, abused, mistreated, annoyed,
- 23 tormented, or in any manner made to suffer by any person or by
- 24 any means.
- 25 (f) Any permittee shall not maintain or allow any animal to
- 26 exist in any manner that is, or could be, injurious to that animal.
- 27 (g) Any permittee shall not give an animal any alcoholic
- 28 beverage, unless prescribed by a veterinarian.
- 29 (h) Animals that are natural enemies, temperamentally
- 30 unsuited, or otherwise incompatible, shall not be quartered
- 31 together or so near each other as to cause injury, fear, or torment.
- 32 (i) Any tack equipment, device, substance, or material that is,
- 33 or could be, injurious or cause unnecessary cruelty to any animal
- 34 shall be prohibited.
- 35 (j) The permittee shall keep or maintain animals confined at all
- 36 times on the premises for which the permit has been issued, unless
- 37 special permission to remove the animals has been obtained from
- 38 the department. The permittee shall have full responsibility for
- 39 recapturing any animal that escapes.



1 (k) The permittee shall give proper rest periods to any working
2 animal. Any confined or restrained animal shall be given exercise
3 proper for the individual animal under the particular conditions.

4 (l) The permittee shall not work, use, or rent any animal that is
5 overheated, weakened, exhausted, sick, injured, diseased, lame, or
6 otherwise unfit.

7 (m) No animal that the local public agency has suspended from
8 use shall be worked or used until released by the local public
9 agency.

10 (n) The permittee shall display no animal bearing evidence of
11 malnutrition, ill health, unhealed injury, or having been kept in an
12 unsanitary condition.

13 (o) The permittee shall keep or maintain each animal in a
14 manner as may be prescribed to protect the public from the animal,
15 and the animal from the public.

16 (p) The local public agency may order any animal to be taken
17 to a veterinarian for examination or treatment.

18 (q) The permittee shall display no animal whose appearance is,
19 or may be, offensive or contrary to public decency.

20 (r) The permittee shall allow no animal to constitute or cause
21 a hazard or be a menace to the health, peace, or safety of the
22 community.

23 (s) The permittee shall isolate at all times any sick or diseased
24 animal from any healthy animal, and adequately segregate them so
25 that the illness or disease will not be transmitted from one animal
26 to another. In the case of pet shops, no sick, diseased, or injured
27 animal defined by this chapter may be maintained on the premises
28 for any purpose. Any sick or injured animal shall be isolated and
29 given proper medical treatment.

30 (t) The permittee shall immediately notify the owner of any
31 animal held on consignment or boarded if the animal refuses to eat
32 or drink beyond a reasonable period, is injured, becomes sick, or
33 dies. In case of death, permittee shall retain the body for 12 hours
34 after notification has been sent to the owner.

35 SEC. 9. Section 121919 is added to the Health and Safety
36 Code, to read:

37 121919. The local public agency may suspend or revoke a
38 permit issued under this chapter if the local public agency
39 determines that the permittee has done any of the following:



1 (a) Made any false statement or given any false information in
 2 connection with an application for a license or a renewal or
 3 reinstatement thereof.

4 (b) Violated any provisions of this chapter.

5 (c) Violated any rule of an ordinance adopted pursuant to the
 6 authority contained in this chapter.

7 (d) Committed any other act that would be grounds for denial
 8 of a license.

9 ~~SEC. 10. Section 121920 of the Health and Safety Code is~~
 10 ~~amended to read:~~

11 ~~121920. The owner or trainer of any attack, guard, or sentry~~
 12 ~~dog shall ensure that the dog has been microchipped and the~~
 13 ~~owner's identification has been entered into a local or national~~
 14 ~~registry. Each dog subject to this chapter shall, at all times, wear~~
 15 ~~an identification tag. The identification tag shall be provided by~~
 16 ~~the sentry dog company furnishing the dog for hire. The~~
 17 ~~identification tag shall contain, but not be limited to, the following~~
 18 ~~information:~~

19 ~~(a) The name of the dog.~~

20 ~~(b) The name, address, and telephone number of the attack,~~
 21 ~~guard, or sentry dog company furnishing the dog for hire. Any~~
 22 ~~telephone number so provided shall be to a telephone that is~~
 23 ~~manned by a person 24 hours per day, every day of the year, so that~~
 24 ~~calls from the public may be received and answered.~~

25 ~~The identification tag required by this section shall be in~~
 26 ~~addition to any tag required or issued by any agency of government~~
 27 ~~to show that a dog has been immunized or inoculated against~~
 28 ~~disease.~~

29 *SEC. 10. Section 121920 of the Health and Safety Code is*
 30 *amended to read:*

31 *121920. (a) The owner or trainer of any attack, guard, or*
 32 *sentry dog shall ensure that the dog has been microchipped and the*
 33 *owner's identification has been entered into a local or national*
 34 *registry. Each dog subject to this chapter shall, at all times, wear*
 35 *an identification tag. The identification tag shall be provided by*
 36 *the attack, guard, or sentry dog company furnishing the dog for*
 37 *hire. Such The identification tag shall contain, but not be limited*
 38 *to, the following information:*

39 ~~(a) The~~

40 *The name of the dog.*

1 ~~(b) The~~
2 The name, address, and telephone number of the *attack, guard,*
3 *or sentry dog company* furnishing the dog for hire. Any telephone
4 number so provided shall be to a telephone that is manned by a
5 person 24 hours per day every day of the year so that calls ~~of~~ *from*
6 the public may be received and answered.

7 ~~The~~
8 (b) The identification tag required by this section shall be in
9 addition to any tag required or issued by any agency of government
10 to show that a dog has been immunized or inoculated against
11 disease.

12 SEC. 11. Section 121921 is added to the Health and Safety
13 Code, to read:

14 121921. No person shall sell, give away, or let for hire any
15 guard, attack, or sentry dog unless the following requirements
16 have been met:

17 (a) The dog has been immunized against distemper and rabies.

18 (b) A certificate of rabies vaccination has been issued by a
19 licensed veterinarian and is current and valid.

20 SEC. 12. Section 121940 of the Health and Safety Code is
21 amended to read:

22 121940. (a) Except as otherwise specified in this chapter,
23 any person violating any provision of this chapter, other than
24 Section 121945, shall be subject to a civil penalty of up to one
25 thousand dollars (\$1,000) per violation. The action pursuant to this
26 chapter may be prosecuted in the name of the people of the State
27 of California by the district attorney for the county in which the
28 violation occurred and in the appropriate court, or by the city
29 attorney in the city in which the violation occurred and in the
30 appropriate court.

31 (b) Nothing in this chapter limits or authorizes any act or
32 omission that violates Section 5971 of the Penal Code.

33 SEC. 13. Section 121945 is added to the Health and Safety
34 Code, to read:

35 121945. In lieu of the civil penalties imposed pursuant to
36 Section 121940, any person or owner who violates this chapter
37 shall be subject to a civil penalty of up to one thousand dollars
38 (\$1,000), or shall be prohibited from selling, renting, leasing, or
39 training any attack, guard, or sentry dog for up to 30 days, or both.
40 For a second offense, the person or owner shall be subject to a civil



1 penalty of up to two thousand five hundred dollars (\$2,500), or a
2 prohibition from selling, renting, leasing, or training any attack,
3 guard, or sentry dog for up to 90 days, or both. For a third offense,
4 the person or owner shall be subject to a civil penalty of up to five
5 thousand dollars (\$5,000) or a prohibition from selling, renting,
6 leasing, or training any attack, guard, or sentry dog for up to six
7 months, or both. For a fourth or any subsequent offense, the person
8 or owner shall be subject to a civil penalty of up to ten thousand
9 dollars (\$10,000) or a prohibition from selling, renting, leasing, or
10 training any attack, guard, or sentry dog for up to one year, or both.
11 For purposes of this section, a violation that occurred over five
12 years prior to the most recent violation shall not be considered. An
13 action for recovery of the civil penalty and for a court order
14 enjoining a person or owner from engaging in the business of
15 selling, renting, leasing, or training any attack, guard, or sentry
16 dog for the period set forth in this section, may be prosecuted by
17 the district attorney for the county where the violation occurred,
18 or the city attorney for the city where the violation occurred, in the
19 appropriate court.

20 SEC. 14. Notwithstanding Section 17610 of the Government
21 Code, if the Commission on State Mandates determines that this
22 act contains costs mandated by the state, reimbursement to local
23 agencies and school districts for those costs shall be made pursuant
24 to Part 7 (commencing with Section 17500) of Division 4 of Title
25 2 of the Government Code. If the statewide cost of the claim for
26 reimbursement does not exceed one million dollars (\$1,000,000),
27 reimbursement shall be made from the State Mandates Claims
28 Fund.

