

AMENDED IN SENATE JUNE 18, 2008

AMENDED IN SENATE JULY 3, 2007

AMENDED IN SENATE JUNE 27, 2007

AMENDED IN ASSEMBLY MAY 31, 2007

AMENDED IN ASSEMBLY MAY 9, 2007

AMENDED IN ASSEMBLY APRIL 30, 2007

AMENDED IN ASSEMBLY APRIL 17, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1634**

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**Introduced by Assembly Member Levine**

(Principal ~~coauthor: Senator Padilla~~ *coauthors: Senators Negrete  
McLeod and Padilla*)

**(Coauthors: Assembly Members Nava and Solorio)**

February 23, 2007

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~~An act to add Chapter 9 (commencing with Section 122336) to Part 6 of Division 105 of, and to repeal Section 122336.21 the Health and Safety Code, relating to pets. An act to amend Sections 30804.7 and 31751.7 of, and to add Sections 30804.8 and 31751.8 to, the Food and Agricultural Code, relating to animals.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1634, as amended, Levine. ~~California Healthy Pets Act. Dogs and cats: nonpayed or unneutered: civil penalties.~~

Existing law sets forth provisions relating to veterinary public health and safety and provides for or regulates spay, neuter, and breeding programs for animals. *Existing law requires the owner of a nonspayed or unneutered dog or cat that is impounded by a city or county animal control agency or shelter, society for the prevention of cruelty to animals, or humane society to be fined \$35 on the first occurrence, \$50 on the 2nd occurrence, and \$100 for the 3rd or subsequent occurrence.*

*This bill would increase the above fines for a nonspayed or unneutered dog to \$50 for the first occurrence, \$100 for the 2nd occurrence, and would require spaying or neutering of the dog at the owner's expense on the 3rd occurrence. The bill would increase the above fines for a nonspayed or unneutered cat to \$50 on the first occurrence and would require spaying or neutering of the cat at the owner's expense on the 2nd occurrence.*

This bill would ~~prohibit any person from owning or possessing any cat or dog over the age of 6 months that has not been spayed or neutered, unless that person possesses an intact permit, as defined. The bill would establish an intact permit fee in an amount to be determined by a local jurisdiction, and would require the revenue from these fees to be used for the administration of the local jurisdiction's permit program. The bill would make a violation of these provisions, as specified, punishable by a prescribed~~ *also require the owner of a nonspayed or unneutered dog or cat that is the subject of a complaint to a local animal control agency, as specified, to be cited and pay a civil penalty to the local animal control agency within 30 days. It would require all revenues derived from these civil penalties to be used for funding the outreach efforts in connection with, and the administration and enforcement of, these provisions, and, to the extent funding is available, free and low-cost spay and neuter programs, and outreach efforts for those programs, which would be required to be established by each a local animal control agency to waive the civil penalty if, within 14 business days of the citation, the pet's owner presents written proof from a licensed veterinarian that the dog or cat was spayed or neutered.*

By increasing the enforcement responsibility of local agencies, this bill would create a state-mandated local program.

~~This bill would, until January 1, 2012, authorize a local jurisdiction or its authorized local animal control agency to allow for issuance of an intact permit for one male and one female dog per household in order to allow the dogs to produce a single litter of offspring, subject to specified criteria. It would authorize the imposition of an intact permit~~

fee for these purposes in an amount determined by the local jurisdiction, to be used for funding the administration of the local jurisdiction's permit program.

The bill would become operative on April 1, 2008.

Existing law, enacted in 1998, relating to animal control, imposed certain state mandated local programs.

This bill would prohibit the Controller from releasing a payment to a local agency for costs arising under that 1998 law until the local agency has complied with certain rabies control reporting requirements.

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.

This bill would provide that no reimbursement is required by this act for a specified reason.

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 30804.7 of the Food and Agricultural  
2 Code is amended to read:

3 30804.7. (a) The owner of a nonspayed or unneutered dog that  
4 is impounded once by a city or county animal control agency or  
5 shelter, society for the prevention of cruelty to animals, or humane  
6 society, shall be fined ~~thirty-five dollars (\$35)~~ *fifty dollars (\$50)*  
7 on the first occurrence, ~~fifty dollars (\$50) on the second occurrence,~~  
8 ~~and one hundred dollars (\$100) for the third or subsequent~~  
9 ~~occurrence and one hundred dollars (\$100) on the second~~  
10 ~~occurrence. On the third occurrence, the dog shall be spayed or~~  
11 ~~neutered, with the owner paying the cost of the procedure.~~ These  
12 fines are for *nonspayed or unneutered* impounded animals only,  
13 and are not in lieu of any fines or impound fees imposed by any  
14 individual city, county, public animal control agency or shelter,  
15 society for the prevention of cruelty to animals shelter, or humane  
16 society shelter.

17 (b) An animal control officer, humane officer, police officer,  
18 peace officer, or any agency authorized to enforce the Penal Code  
19 may write citations with a civil penalty stated in an amount  
20 corresponding to the violation as provided in subdivision (a). The  
21 fines shall be paid to the local municipality or public animal control

1 agency or shelter, society for the prevention of cruelty to animals  
 2 shelter, or humane society shelter. Any funds collected under this  
 3 section shall be expended for the purpose of humane education,  
 4 programs for ~~low cost~~ *low-cost* spaying and neutering of dogs, and  
 5 any additional costs incurred by the public animal control agency  
 6 or shelter, society for the prevention of cruelty to animals shelter,  
 7 humane society shelter, or rescue group in the administration of  
 8 the requirements of this division.

9 (c) This section applies to each county and cities within each  
 10 county, regardless of population.

11 (d) No city or county, society for the prevention of cruelty to  
 12 animals, or humane society is subject to any civil action by the  
 13 owner of a dog that is spayed or neutered in accordance with this  
 14 section.

15 *SEC. 2. Section 30804.8 is added to the Food and Agricultural*  
 16 *Code, to read:*

17 *30804.8. (a) The owner of a nonspayed or unneutered dog that*  
 18 *is the subject of a complaint shall be cited and pay a civil penalty*  
 19 *as provided in this section. This civil penalty shall be in addition*  
 20 *to any fine, fee, or penalty imposed under any other provision of*  
 21 *law or local ordinance.*

22 *(b) At the time that the citation is issued, the local animal control*  
 23 *agency shall provide the owner of the dog with information*  
 24 *regarding the availability of spaying and neutering services.*

25 *(c) The owner of the dog shall pay the civil penalty to the local*  
 26 *animal control agency within 30 business days of the citation. The*  
 27 *local animal control agency shall waive the civil penalty if, within*  
 28 *14 business days of the citation, the owner of the dog presents*  
 29 *written proof from a licensed veterinarian that the dog was spayed*  
 30 *or neutered.*

31 *(d) The civil penalties shall be as follows:*

32 *(1) On the first occurrence, fifty dollars (\$50).*

33 *(2) On the second occurrence for the same dog, one hundred*  
 34 *dollars (\$100).*

35 *(3) On the third occurrence for the same dog, the spaying or*  
 36 *neutering of the dog by order of the local animal control agency,*  
 37 *with the owner paying the cost of the procedure.*

38 *(e) As used in this section, the following terms apply:*

39 *(1) "Complaint" means an oral or written complaint to a local*  
 40 *animal control agency that alleges that the dog or the owner of*

1 *the dog has violated this division, any other provision of state law*  
2 *that relates to dogs, or a local animal control ordinance.*  
3 *“Complaint” also means the observation by an employee or officer*  
4 *of a local animal control agency of behavior by a dog or the owner*  
5 *of a dog that violates this division, any other provision of state*  
6 *law that relates to dogs, or a local animal control ordinance.*  
7 *“Complaint” shall not include an allegation of excessive noise or*  
8 *barking.*

9 (2) *“Local animal control agency” means any city or county*  
10 *animal control agency or other entity responsible for enforcing*  
11 *animal-related laws or local animal control ordinances.*

12 (3) *“Spay” and “neuter” mean any procedure performed by a*  
13 *duly licensed veterinarian that permanently sterilizes a dog and*  
14 *makes it incapable of reproduction.*

15 (f) *This section shall not preclude any city or county from*  
16 *adopting a local ordinance that is more restrictive or imposes*  
17 *higher civil penalties.*

18 SEC. 3. *Section 31751.7 of the Food and Agricultural Code is*  
19 *amended to read:*

20 31751.7. (a) *The owner of a nonspayed or unneutered cat that*  
21 *is impounded once by a city or county animal control agency or*  
22 *shelter, society for the prevention of cruelty to animals, or humane*  
23 *society, shall be fined ~~thirty-five dollars (\$35) on the first~~*  
24 *~~occurrence, fifty dollars (\$50) on the second occurrence, and one~~*  
25 *~~hundred dollars (\$100) for the third or subsequent occurrence~~ fifty*  
26 *dollars (\$50) on the first occurrence. On the second occurrence,*  
27 *the cat shall be spayed or neutered, with the owner paying the cost*  
28 *of the procedure. These fines are for nonspayed or unneutered*  
29 *impounded animals only, and are not in lieu of any fines or*  
30 *impound fees imposed by any individual city, county, public animal*  
31 *control agency or shelter, society for the prevention of cruelty to*  
32 *animals shelter, or humane society shelter.*

33 (b) *An animal control officer, humane officer, police officer,*  
34 *peace officer, or any agency authorized to enforce the Penal Code*  
35 *may write citations with a civil penalty stated in an amount*  
36 *corresponding to the violation as provided in subdivision (a). The*  
37 *finer shall be paid to the local municipality or public animal control*  
38 *agency or shelter, society for the prevention of cruelty to animals*  
39 *shelter, or humane society shelter. Any funds collected under this*  
40 *section shall be expended for the purpose of humane education,*

1 programs for ~~low-cost~~ *low-cost* spaying and neutering of cats, and  
2 any additional costs incurred by the animal shelter in the  
3 administration of the requirements of this division.

4 (c) Local ordinances concerning the adoption or placement  
5 procedures of any public animal control agency or shelter, society  
6 for the prevention of cruelty to animals shelter, humane society  
7 shelter, or rescue group shall be at least as restrictive as this  
8 division.

9 (d) This section applies to each county and cities within each  
10 county, regardless of population.

11 (e) No city or county, society for the prevention of cruelty to  
12 animals, or humane society is subject to any civil action by the  
13 owner of a cat that is spayed or neutered in accordance with this  
14 section.

15 *SEC. 4. Section 31751.8 is added to the Food and Agricultural*  
16 *Code, to read:*

17 *31751.8. (a) The owner of a nonspayed or unneutered cat that*  
18 *is the subject of a complaint shall be cited and pay a civil penalty*  
19 *as provided in this section. This civil penalty shall be in addition*  
20 *to any fine, fee, or penalty imposed under any other provision of*  
21 *law or local ordinance.*

22 *(b) At the time that the citation is issued, the local animal control*  
23 *agency shall provide the owner of the cat with information*  
24 *regarding the availability of spaying and neutering services.*

25 *(c) The owner of the cat shall pay the civil penalty to the local*  
26 *animal control agency within 30 business days of the citation. The*  
27 *local animal control agency shall waive the civil penalty if, within*  
28 *14 business days of the citation, the owner of the cat presents*  
29 *written proof from a licensed veterinarian that the cat was spayed*  
30 *or neutered.*

31 *(d) The civil penalties shall be as follows:*

32 *(1) On the first occurrence, fifty dollars (\$50).*

33 *(2) On the second occurrence for the same cat, the spaying or*  
34 *neutering of the cat by order of the local animal control agency,*  
35 *with the owner paying the cost of the procedure.*

36 *(e) As used in this section, the following terms apply:*

37 *(1) "Complaint" means an oral or written complaint to a local*  
38 *animal control agency that alleges that the cat or the owner of the*  
39 *cat has violated this division, any other provision of state law that*  
40 *relates to cats, or a local animal control ordinance. "Complaint"*

1 also means the observation by an employee or officer of a local  
2 animal control agency of behavior by a cat or the owner of a cat  
3 that violates this division, any other provision of state law that  
4 relates to cats, or a local animal control ordinance. “Complaint”  
5 shall not include an allegation of excessive noise.

6 (2) “Local animal control agency” means any city or county  
7 animal control agency or other entity responsible for enforcing  
8 animal-related laws or local animal control ordinances.

9 (3) “Spay” and “neuter” mean any procedure performed by a  
10 licensed veterinarian that permanently sterilizes a cat and makes  
11 it incapable of reproduction.

12 (f) This section shall not preclude any city or county from  
13 adopting a local ordinance that is more restrictive or imposes  
14 higher civil penalties.

15 SEC. 5. The Controller shall not release a payment, pursuant  
16 to Part 7 (commencing with Section 17500) of Division 4 of Title  
17 2 of the Government Code, to a local agency to reimburse the costs  
18 arising from Chapter 752 of the Statutes of 1998 until the  
19 Controller determines that the local agency has complied with the  
20 requirements of paragraph (4) of subdivision (a) of Section 2606.4  
21 of Title 17 of the California Code of Regulations.

22 In making the determination required by this section, the  
23 Controller may rely on information provided by the Department  
24 of Public Health.

25 Pursuant to Section 17612 of the Government Code, the  
26 Legislature declares that this section modifies the reimbursement  
27 methodology for paying claims arising from Chapter 752 of the  
28 Statutes of 1998, but does not suspend that chapter.

29 SEC. 6. No reimbursement is required by this act pursuant to  
30 Section 6 of Article XIII B of the California Constitution because  
31 a local agency or school district has the authority to levy service  
32 charges, fees, or assessments sufficient to pay for the program or  
33 level of service mandated by this act, within the meaning of Section  
34 17556 of the Government Code.

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**All matter omitted in this version of the bill  
appears in the bill as amended in Senate,  
July 3, 2007 (JR11)**

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