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. Dogs and cats: nonspayed or unneutered: civil penalties.
Existing law 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 also provide that 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, may be cited and, if cited, shall pay a civil penalty to the local animal control agency within 30 days. It would require 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.

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.

shelter, society for the prevention of cruelty to animals, or humane
society, shall be fined fifty dollars ($50) on the first occurrence
and one hundred dollars ($100) on the second occurrence. On the
third occurrence, the dog shall be spayed or neutered, with the
owner paying the cost of the procedure. These fines are for
nonspayed or unneutered impounded animals only, and are not in
lieu of any fines or impound fees imposed by any individual city,
county, public animal control agency or shelter, society for the
prevention of cruelty to animals shelter, or humane society shelter.
(b) An animal control officer, humane officer, police officer,
peace officer, or any agency authorized to enforce the Penal Code
may write citations with a civil penalty stated in an amount
corresponding to the violation as provided in subdivision (a). The
fines shall be paid to the local municipality or public animal control
agency or shelter, society for the prevention of cruelty to animals
shelter, or humane society shelter. Any funds collected under this
section shall be expended for the purpose of humane education,
programs for low-cost spaying and neutering of dogs, and any
additional costs incurred by the public animal control agency or
shelter, society for the prevention of cruelty to animals shelter,
humane society shelter, or rescue group in the administration of
the requirements of this division.
(c) This section applies to each county and cities within each
county, regardless of population.
(d) No city or county, society for the prevention of cruelty to
animals, or humane society is subject to any civil action by the
owner of a dog that is spayed or neutered in accordance with this
section.

SEC. 2. Section 30804.8 is added to the Food and Agricultural
Code, to read:
30804.8. (a) The owner of a nonspayed or unneutered dog that
is the subject of a complaint shall may be cited and, if cited, shall
pay a civil penalty as provided in this section. This civil penalty
shall be in addition to any fine, fee, or penalty imposed under any
other provision of law or local ordinance.
(b) At the time that the citation is issued, the local animal control
agency shall provide the owner of the dog with information
regarding the availability of spaying and neutering services.
(c) The owner of the dog shall pay the civil penalty to the local
animal control agency within 30 business days of the citation. The
local animal control agency shall waive the civil penalty if, within 14 business days of the citation, the owner of the dog presents written proof from a licensed veterinarian that the dog was spayed or neutered.

(d) The civil penalties shall be as follows:

1. On the first occurrence, fifty dollars ($50).
2. On the second occurrence for the same dog, one hundred dollars ($100).
3. On the third occurrence for the same dog, the spaying or neutering of the dog by order of the local animal control agency, with the owner paying the cost of the procedure.

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

1. “Complaint” means an oral or written complaint to a local animal control agency that alleges that the dog or the owner of the dog has violated this division, any other provision of state law that relates to dogs, or a local animal control ordinance. “Complaint” also means the observation by an employee or officer of a local animal control agency of behavior by a dog or the owner of a dog that violates this division, any other provision of state law that relates to dogs, or a local animal control ordinance. “Complaint” shall not include an allegation of excessive noise or barking.
2. “Local animal control agency” means any city or county animal control agency or other entity responsible for enforcing animal-related laws or local animal control ordinances.
3. “Spay” and “neuter” mean any procedure performed by a duly licensed veterinarian that permanently sterilizes a dog and makes it incapable of reproduction.

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

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

31751.7. (a) The owner of a nonspayed or unneutered cat that is impounded once by a city or county animal control agency or shelter, society for the prevention of cruelty to animals, or humane society, shall be fined fifty dollars ($50) on the first occurrence. On the second occurrence, the cat shall be spayed or neutered, with the owner paying the cost of the procedure. These fines are for nonspayed or unneutered impounded animals only, and are not in lieu of any fines or impound fees imposed by any individual
city, county, public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter.

(b) An animal control officer, humane officer, police officer, peace officer, or any agency authorized to enforce the Penal Code may write citations with a civil penalty stated in an amount corresponding to the violation as provided in subdivision (a). The fines shall be paid to the local municipality or public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter. Any funds collected under this section shall be expended for the purpose of humane education, programs for low-cost spaying and neutering of cats, and any additional costs incurred by the animal shelter in the administration of the requirements of this division.

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

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

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

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

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

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

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

(d) The civil penalties shall be as follows:
(1) On the first occurrence, fifty dollars ($50).
(2) On the second occurrence for the same cat, the spaying or neutering of the cat by order of the local animal control agency, with the owner paying the cost of the procedure.

(e) As used in this section, the following terms apply:
(1) “Complaint” means an oral or written complaint to a local animal control agency that alleges that the cat or the owner of the cat has violated this division, any other provision of state law that relates to cats, or a local animal control ordinance. “Complaint” also means the observation by an employee or officer of a local animal control agency of behavior by a cat or the owner of a cat that violates this division, any other provision of state law that relates to cats, or a local animal control ordinance. “Complaint” shall not include an allegation of excessive noise.
(2) “Local animal control agency” means any city or county animal control agency or other entity responsible for enforcing animal-related laws or local animal control ordinances.
(3) “Spay” and “neuter” mean any procedure performed by a licensed veterinarian that permanently sterilizes a cat and makes it incapable of reproduction.

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

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

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

Pursuant to Section 17612 of the Government Code, the Legislature declares that this section modifies the reimbursement methodology for paying claims arising from Chapter 752 of the Statutes of 1998, but does not suspend that chapter.
SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.