

**ASSEMBLY BILL**

**No. 241**

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**Introduced by Assembly Member Nava**

February 10, 2009

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An act to add Section 597.8 to the Penal Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 241, as introduced, Nava. Dogs and cats: breeders.

Existing law specifies that certain conduct against animals is criminal.

This bill would make it a misdemeanor for an individual or business that buys or sells dogs or cats to have more than a combined total of 50 dogs and cats with intact sexual organs, as specified. The bill would authorize certain officers to investigate a violation of that provision, as provided, and to lawfully take possession of an animal kept in violation of that provision, as specified.

Because this bill would create a new crime, it would impose 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.

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. This act shall be known and may be cited as the
- 2 Responsible Breeder Act of 2009.

1 SEC. 2. Section 597.8 is added to the Penal Code, to read:

2 597.8. (a) No individual or business that buys or sells dogs or  
3 cats to the public or at wholesale shall own, possess, control, or  
4 otherwise have charge or custody of more than a combined total  
5 of 50 dogs and cats with intact sexual organs. An individual or  
6 business that must reduce the number of intact dogs or cats in order  
7 to comply with this section shall spay or neuter the excess animals  
8 or sell, transfer, or relinquish the excess animals. If necessary, any  
9 euthanasia procedures shall be performed by a licensed  
10 veterinarian.

11 (b) A peace officer, humane society officer, or animal control  
12 officer may, upon receiving a complaint or upon his or her own  
13 motion, investigate a violation of subdivision (a). The investigation  
14 may include (1) the inspection of the books and records of an  
15 individual or business that buys or sells dogs or cats to the public  
16 or at wholesale and (2) the inspection of any place where dogs or  
17 cats are bred or maintained. In conducting the inspection, the  
18 officer may, during daytime operating hours, enter any premises  
19 where animals may be bred or maintained. If the place or premises  
20 include a home or residence, the officer shall obtain the consent  
21 of the owner, tenant, or resident before entering the home or  
22 residence. An individual or business that is the subject of an  
23 investigation under this section shall, upon request of the officer,  
24 provide assistance to the officer in making an inspection authorized  
25 by this section.

26 (c) A peace officer, humane society officer, or animal control  
27 officer may lawfully take possession of an animal kept in violation  
28 of this section when necessary to protect the health or safety of  
29 the animal or the health or safety of others. An officer that seizes  
30 an animal under this subdivision shall comply with subdivision  
31 (f) of Section 597.1.

32 (d) A person who violates this section is guilty of a misdemeanor.

33 (e) This section does not apply to any of the following:

34 (1) A publicly operated animal control facility or animal shelter.

35 (2) A veterinary facility.

36 (3) A retail pet store.

37 (4) A research institution.

38 SEC. 3. No reimbursement is required by this act pursuant to  
39 Section 6 of Article XIII B of the California Constitution because  
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or  
2 infraction, eliminates a crime or infraction, or changes the penalty  
3 for a crime or infraction, within the meaning of Section 17556 of  
4 the Government Code, or changes the definition of a crime within  
5 the meaning of Section 6 of Article XIII B of the California  
6 Constitution.

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