

Assembly Bill No. 1722

Passed the Assembly April 24, 2014

Chief Clerk of the Assembly

Passed the Senate July 3, 2014

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 21281.5 of, and to add Sections 20725 and 21051.6 to, the Food and Agricultural Code, relating to cattle, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1722, Bigelow. Cattle protection.

Existing law requires any person who desires to use a brand in this state to record the brand with the Bureau of Livestock Identification. Existing law provides for the suspension and forfeiture of the right to use a brand under specified circumstances, including, among others, for failure to pay specified fees, and makes it unlawful for any person to use an unrecorded, forfeited, or canceled brand. Existing law requires cattle to be inspected prior to being moved or transported under certain circumstances, including whenever cattle are sold. A person who violates those provisions is liable to the Secretary of Food and Agriculture for a civil penalty, as specified, and a violation of the cattle protection laws is generally a misdemeanor.

This bill would prohibit any person who is convicted of grand theft for feloniously stealing a horse, bovine animal, or specified other animals from registering and owning a brand for a period of 5 years following the date of conviction, and would require the secretary to terminate the person's registration. The bill would require a person convicted of the offense specified above to submit to an inspection prior to any movement, transportation, or change in ownership. By expanding the scope of a crime, the bill would impose a state-mandated local program.

Existing law authorizes the secretary to impose a service charge not to exceed \$10 for each site at which an inspection is performed, to be deposited in the Department of Food and Agriculture Fund and continuously appropriated to the department for certain purposes relating to cattle protection and livestock.

This bill would increase the ceiling amount the secretary is authorized to charge to \$12. By increasing the amount of an existing fee, the revenue of which is deposited into a continuously appropriated fund, the bill would make an appropriation.

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.

Appropriation: yes.

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

SECTION 1. Section 20725 is added to the Food and Agricultural Code, to read:

20725. (a) Any person convicted of Section 487a of the Penal Code shall be prohibited from registering or owning, in whole or in part, a brand for a period of five years following the date of the conviction.

(b) Upon being notified of the conviction, the secretary shall terminate the registration of any brand registered to a person convicted of Section 487a of the Penal Code.

SEC. 2. Section 21051.6 is added to the Food and Agricultural Code, to read:

21051.6. (a) Notwithstanding any other law, for five years following the date of conviction, a person convicted of Section 487a of the Penal Code shall submit to an inspection for any cattle in his or her ownership or care prior to any movement, transportation, or change in ownership.

(b) A person required to submit to an inspection pursuant to this section shall pay to the secretary a fee, as established by the secretary, for the costs incurred, including the cost of time and mileage, in performing the inspection.

(c) A person required to submit to an inspection who violates a provision of this section shall be charged a civil penalty by the secretary of one thousand dollars (\$1,000) per animal required to be inspected.

SEC. 3. Section 21281.5 of the Food and Agricultural Code is amended to read:

21281.5. In addition to other applicable fees, as provided by this chapter, the secretary may impose a service charge in an amount not to exceed twelve dollars (\$12) for each site at which an inspection is performed.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2014

Governor