

AMENDED IN ASSEMBLY MAY 19, 2015
AMENDED IN ASSEMBLY MARCH 26, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1363

Introduced by Assembly Member Salas

February 27, 2015

An act to amend Sections ~~17001.5 and 17002~~ *17001.5, 17002, and 17003* of the Food and Agricultural Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 1363, as amended, Salas. Animals: estrays: livestock animals.

Existing law prescribes requirements for the seizure, management, and care of estrays. Existing law, for purposes of those provisions, defines “estray” to mean any impounded or seized bovine animal, horse, mule, sheep, swine, or burro whose owner is unknown or cannot be located. Existing law requires that any animal that is seized by, or comes into the possession of, an inspector pursuant to those provisions, be disposed of in accordance with specified requirements. Existing law makes it a misdemeanor to violate specified provisions in the Food and Agricultural Code governing the care and treatment of animals, including estrays.

This bill would additionally include any other livestock animal within that definition of “estray,” and would instead require that any animal that is seized by, or comes into the possession of, an inspector pursuant to those provisions be managed in accordance with specified requirements. The inclusion of other livestock animals within the definition of “estray” would expand the definition of a crime, thereby imposing a state-mandated local program.

Existing law requires the poundkeeper, other pound officer, or public animal control agency or shelter to immediately notify the Secretary of Food and Agriculture, upon the impounding of any bovine animal, horse, mule, or burro.

This bill would also make that notification requirement applicable to the impounding of sheep, swine, or other livestock animal.

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 17001.5 of the Food and Agricultural
2 Code is amended to read:

3 17001.5. For the purpose of this chapter, “estrays” means any
4 impounded or seized bovine animal, horse, mule, sheep, swine,
5 burro, or other livestock animal whose owner is unknown or cannot
6 be located.

7 SEC. 2. Section 17002 of the Food and Agricultural Code is
8 amended to read:

9 17002. Any animal that is seized by, or comes into the
10 possession of, an inspector pursuant to this part shall be managed
11 pursuant to this chapter.

12 SEC. 3. Section 17003 of the Food and Agricultural Code is
13 amended to read:

14 17003. (a) Except as provided in this section, this chapter does
15 not affect any law, ordinance, or regulation regarding estrays, the
16 poundkeeper, or other pound officer, or a public animal control
17 agency or shelter within the limits of any city or county where
18 such laws, ordinances, or regulations are in force.

19 (b) Upon the impounding of any bovine animal, horse, mule,
20 ~~or sheep, swine, burro, or other livestock animal~~, the poundkeeper,
21 other pound officer, or public animal control agency or shelter
22 shall immediately notify the secretary. Upon receipt of that notice,
23 the secretary shall take possession of any bovine animal and shall
24 dispose of it pursuant to this chapter.

1 (c) Any city, county, or city and county that establishes or has
2 established laws, ordinances, or regulations regarding estrays, may
3 opt to follow those laws, ordinances, or regulations instead of this
4 chapter in the handling of estrays that are not bovine animals in
5 accordance with the applicable laws, ordinances, or regulations of
6 the city, county, or city and county.

7 (d) This section does not authorize any act that violates Section
8 597 of the Penal Code.

9 ~~SEC. 3.~~

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