

Assembly Bill No. 1363

Passed the Assembly September 11, 2015

Chief Clerk of the Assembly

Passed the Senate September 10, 2015

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL’S DIGEST

AB 1363, Salas. Animals: estrays: alpacas, llamas, and goats.

Existing law prescribes requirements for the seizure, management, and care of estrays. Existing law, for purposes of those provisions, defines “estrays” 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 alpaca, llama, or goat within that definition of “estrays,” and would require that any animal that is seized by, or comes into the possession of, an inspector pursuant to those provisions be managed, rather than disposed of, in accordance with the specified requirements. The inclusion of alpacas, llamas, and goats within the definition of “estrays” 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, alpacas, llamas, or goats.

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.

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

SECTION 1. Section 17001.5 of the Food and Agricultural Code is amended to read:

17001.5. For the purpose of this chapter, “estrays” means any impounded or seized bovine animal, horse, mule, sheep, swine, burro, alpaca, llama, or goat whose owner is unknown or cannot be located.

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

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

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

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

(b) Upon the impounding of any bovine animal, horse, mule, sheep, swine, burro, alpaca, llama, or goat, the poundkeeper, other pound officer, or public animal control agency or shelter shall immediately notify the secretary. Upon receipt of that notice, the secretary shall take possession of any bovine animal and shall manage it pursuant to this chapter.

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

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

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 _____, 2015

Governor