

AMENDED IN ASSEMBLY MARCH 30, 1998
AMENDED IN ASSEMBLY MARCH 17, 1998
AMENDED IN ASSEMBLY FEBRUARY 23, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1635

Introduced by Assembly Member Migden

January 5, 1998

An act to ~~amend Sections 2020 and 2150.3 of, and to amend and renumber Section 2150.5 of,~~ the Fish and Game Code, and to add Chapter 13.6 (commencing with Section 25989.1) to Division 20 of the Health and Safety Code, relating to performing animals, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1635, as amended, Migden. Performing animals.

(1) Under existing law, it is unlawful to import, transport, possess, or release alive into this state, any wild animal, except under a permit issued by the Department of Fish and Game, as specified. Existing law ~~authorizes the department to enter into memorandums of understanding with eligible local entities, as defined, for the administration and enforcement of any law concerning the possession of, handling of, care for, or holding facility provided for, a wild animal. Under existing law, the department may reimburse an eligible local entity for its costs incurred in that administration and enforcement.~~

~~This bill would, instead, require the department to reimburse an eligible local entity pursuant to a memorandum~~

~~of understanding entered into by the department and the local entity upon request of the local entity.~~

~~Existing law requires the Director of Fish and Game to appoint an advisory committee to, among other things, advise the director on the humane care and treatment of wild animals and to make recommendations for the establishment of standards of performance for administration and enforcement.~~

~~This bill would also require the advisory committee to make recommendations for significant amendments to those standards.~~

~~Existing law requires the department to establish and maintain written policies and procedures for any housing, possession, importation, or transportation of wild animals authorized by the department. Under existing law, these policies and procedures include, among other things, issuing permits and conducting inspection activities or contracting out inspection activities.~~

~~This bill would require the department to make available, upon request by a local entity, the identity of resident permittees and the itineraries of nonresident permittees, along with records of any *animal* violations by those permittees. In addition, the bill would prohibit the department from accepting the signature of a veterinarian who was paid by the permittee to conduct inspection activities relating to the health and welfare of an animal, in lieu of conducting the inspection itself or contracting out for the conduct of the inspection.~~

~~(2) Existing law prescribes the authority of animal control officers who are not peace officers.~~

~~This bill would provide that any city, county, or city and county that has an animal control agency may adopt regulations that protect the public health and safety and provide for the humane care of all animals involved in traveling shows. The bill would authorize any traveling show aggrieved by the conditions issued by a local animal control agency pursuant to those regulations to request a hearing. The bill would make it a misdemeanor for any person to violate any local regulation adopted pursuant to this provision. By creating a new crime, this bill would impose a state-mandated~~



local program. The bill would require a traveling show, prior to entering California, to notify each *entity that provides animal services for a city, county, or city and county in which ~~it~~ the traveling show* intends to perform, of its intent to perform within that jurisdiction and to provide that ~~city, county, or city and county~~ *entity* with a schedule of its performances in this state.

(3) Existing law continuously appropriates money in the Fish and Game Preservation Fund to the department to pay all necessary expenses incurred in carrying out the Fish and Game Code and any other law for the protection and preservation of birds, mammals, reptiles, and fish.

This bill would make an appropriation by imposing new duties and requirements on the department payable from that fund.

(4) 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: yes. Fiscal committee: yes. State-mandated local program: yes.

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

1 ~~SECTION 1. Section 2020 of the Fish and Game Code~~
2 ~~is amended to read:~~
3 ~~2020. (a) The department shall reimburse eligible~~
4 ~~local entities, pursuant to a memorandum of~~
5 ~~understanding entered into under this section at the~~
6 ~~request of those entities, for costs incurred by those~~
7 ~~entities in the administration and enforcement of any~~
8 ~~provision concerning the possession of, handling of, care~~
9 ~~for, or holding facilities provided for, a wild animal~~
10 ~~designated pursuant to Section 2118, by any person.~~
11 ~~(b) The director shall enter into memorandums of~~
12 ~~understanding with eligible local entities at the request~~
13 ~~of those entities for the administration and enforcement~~
14 ~~of any provision concerning the possession of, handling of,~~



1 care for, or holding facilities provided for, a wild animal
2 designated pursuant to Section 2118, or a cat specified in
3 Section 3005.9.

4 (e) For purposes of this division, “eligible local entity”
5 means a county, local animal control officer, local humane
6 society official, an educational institution, or trained
7 private individual which enters into a memorandum of
8 understanding with the director pursuant to this section.

9 SEC. 2. Section 2150.3 of the Fish and Game Code is
10 amended to read:

11 2150.3. (a) The director shall appoint a committee to
12 advise the director on the humane care and treatment of
13 wild animals.

14 (b) The committee shall make recommendations to
15 the director for the establishment of, or significant
16 amendments to, standards of performance for
17 administration and enforcement, which shall include, but
18 are not limited to, requiring that the eligible local entity
19 possess a knowledge of humane wild animal training
20 methods.

21 (c) The committee shall make recommendations to
22 the director as to the frequency of inspections necessary
23 for the enforcement and administration of any provision
24 concerning the possession of, handling of, care for, or
25 holding facilities provided for, a wild animal designated
26 pursuant to Section 2118, or a cat specified in Section
27 3005.9.

28 (d) The committee shall advise and assist the director
29 in entering into memorandums of understanding with
30 eligible local entities and in determining whether the
31 memorandums of understanding meet the requirements
32 of this chapter.

33 SEC. 3.

34 SECTION 1. Section 2150.5 of the Fish and Game
35 Code, as added by Chapter 789 of the Statutes of 1990, is
36 amended and renumbered to read:

37 2150.6. (a) The department shall, on or before May 1,
38 1991, establish, and thereafter keep current, written
39 policies and procedures to implement the animal
40 housing, possession, importation, and transportation



1 requirements pursuant to this chapter. The department
2 shall provide copies of the policies and procedures to
3 interested parties upon request.

4 (b) The policies and procedures shall include, but not
5 be limited to, criteria for all of the following:

6 (1) Receiving, processing, and issuing a permit or
7 permit application, and conducting inspection activities.

8 (2) Contracting out inspection activities.

9 (3) Responding to public reports and complaints.

10 (4) Notification of the revocation, termination, or
11 denial of permits, and related appeals.

12 ~~(e) The department may not accept the signature of
13 a veterinarian who was paid by the permittee to conduct
14 an inspection relating to the health and welfare of an
15 animal, in lieu of conducting that inspection itself or
16 contracting out for the conduct of the inspection.~~

17 ~~(d)~~

18 (c) The department shall make proposed policies and
19 procedures available to interested parties before their
20 implementation. The department may receive and
21 incorporate comments and recommendations on the
22 policies and procedures from interested parties.

23 ~~(e)~~

24 (d) The department shall make available, upon
25 request by a local entity, the identity of resident
26 permittees and the itineraries of nonresident permittees,
27 along with records of any violations of this chapter by
28 those permittees.

29 ~~SEC. 4.~~

30 *SEC. 2.* Chapter 13.6 (commencing with Section
31 25989.1) is added to Division 20 of the Health and Safety
32 Code, to read:

33

34 CHAPTER 13.6. WILD OR DOMESTIC ANIMALS IN
35 TRAVELING SHOWS

36

37 25989.1. (a) Any city, county, or city and county that
38 has an animal control agency may adopt regulations that
39 protect the public health and safety and provide for the
40 humane care of all animals, wild or domestic, involved in



1 traveling shows, such as circuses and carnivals. The
2 animal control agency may impose conditions, consistent
3 with the regulations, on the operation of those traveling
4 shows.

5 (b) Any traveling show aggrieved by the conditions
6 imposed by a local animal control agency under
7 regulations adopted pursuant to subdivision (a) may
8 request a hearing.

9 (1) A request for a hearing shall be submitted in
10 writing to the local animal control agency no later than
11 seven days after the date on which the condition was
12 imposed by the agency.

13 (2) The hearing shall be conducted in accordance with
14 procedures that provide notice to the aggrieved traveling
15 show and an opportunity to be heard.

16 (3) The decision of the hearing officer shall be final.

17 (c) Any person who violates any regulation adopted
18 pursuant to subdivision (a) is guilty of a misdemeanor and
19 shall be punished by imprisonment in a county jail not
20 exceeding six months, by a fine not to exceed five
21 thousand dollars (\$5,000), or by both that fine and
22 imprisonment.

23 (d) Any traveling show, prior to entering California,
24 shall do all of the following:

25 (1) Notify each *entity that provides animal control*
26 *services for a city, county, or city and county in which it*
27 *the traveling show* intends to perform of its intent to
28 perform within that jurisdiction.

29 (2) Provide each *entity that provides animal control*
30 *services for a city, county, or city and county in which it*
31 *the traveling show* intends to perform with a schedule of
32 its performances in California.

33 ~~SEC. 5.~~

34 *SEC. 3.* No reimbursement is required by this act
35 pursuant to Section 6 of Article XIII B of the California
36 Constitution because the only costs that may be incurred
37 by a local agency or school district will be incurred
38 because this act creates a new crime or infraction,
39 eliminates a crime or infraction, or changes the penalty
40 for a crime or infraction, within the meaning of Section



1 17556 of the Government Code, or changes the definition
2 of a crime within the meaning of Section 6 of Article
3 XIII B of the California Constitution.

4 Notwithstanding Section 17580 of the Government
5 Code, unless otherwise specified, the provisions of this act
6 shall become operative on the same date that the act
7 takes effect pursuant to the California Constitution.

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