

ASSEMBLY BILL

No. 1786

Introduced by Assembly Member Maddox

January 26, 2000

An act to amend Section 31754 of, and to add Section 31753.5 to, the Food and Agricultural Code, relating to animal shelters.

LEGISLATIVE COUNSEL'S DIGEST

AB 1786, as introduced, Maddox. Animal shelters: holding of impounded animals.

(1) Existing law regulates the holding and care of cats by animal pounds and shelters.

This bill would require pounds and shelters to house cats in separate cages and that there be only one cat to a cage.

(2) Existing law provides, with respect to animal shelters and pounds, impounding time periods, and care, redemption, and adoption requirements applicable to specified animals, including the requirement that, until July 1, 2001, any animal relinquished by the purported owner be held for 2 full business days, not including the day of impoundment. Existing law also provides that, commencing on that date, this provision shall again become operative, except that the relinquished animal will be held for only one day, not including the day of impoundment.

This bill instead would require that every litter of kittens or litter of puppies relinquished by the purported owner, or brought in by any other person, to pounds or shelters be immediately available for adoption.

(3) A violation of (1) or (2), would be a misdemeanor.

Because this bill would create new crimes and impose new duties on local officials, it would establish a state-mandated local program.

(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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 31753.5 is added to the Food and
2 Agricultural Code, to read:

3 31753.5. Any cats held in pounds or shelters shall be
4 housed in separate cages and there shall be only one cat
5 to a cage.

6 SEC. 2. Section 31754 of the Food and Agricultural
7 Code, as added by Section 16 of Chapter 752 of the
8 Statutes of 1998, is amended to read:

9 31754. (a) Except as provided in Section 17006, any
10 animal relinquished by the purported owner that is of a
11 species impounded by pounds or shelters shall be held for
12 two full business days, not including the day of
13 impoundment. The animal shall be available for owner
14 redemption for the first day, not including the day of
15 impoundment, and shall be available for owner



1 redemption or adoption for the second day. After the
2 second required day, the animal may be held longer,
3 killed, or relinquished to a nonprofit, as defined in Section
4 501(c)(3) of the Internal Revenue Code, animal adoption
5 organization under the same conditions and
6 circumstances provided for stray dogs and cats in Sections
7 31108 and 31752.

8 (b) *Notwithstanding subdivision (a), every litter of*
9 *kittens or litter of puppies relinquished by the purported*
10 *owner, or brought in by any other person with authority*
11 *to relinquish them, to pounds or shelters shall*
12 *immediately be available for adoption.*

13 (c) This section shall become operative on July 1, 1999.
14 This section shall become inoperative on July 1, 2001, and,
15 as of January 1, 2002, is repealed, unless a later enacted
16 statute that is enacted before January 1, 2002, deletes or
17 extends the dates on which it becomes inoperative and is
18 repealed.

19 SEC. 3. Section 31754 of the Food and Agricultural
20 Code, as added by Section 16.5 of Chapter 752 of the
21 Statutes of 1998, is amended to read:

22 31754. (a) Except as provided in Section 17006, any
23 animal relinquished by the purported owner that is of a
24 species impounded by pounds or shelters shall be held for
25 the same holding periods, with the same requirements of
26 care, applicable to stray dogs and cats in Sections 31108
27 and 31755, except that the period for owner redemption
28 shall be one day, not including the day of impoundment,
29 and the period for owner redemption or adoption shall be
30 the remainder of the holding period.

31 (b) *Notwithstanding subdivision (a), every litter of*
32 *kittens or litter of puppies relinquished by the purported*
33 *owner, or brought in by any other person with authority*
34 *to relinquish them, to pounds or shelters shall*
35 *immediately be available for adoption.*

36 (c) This section shall become operative on July 1, 2001.

37 SEC. 4. No reimbursement is required by this act
38 pursuant to Section 6 of Article XIII B of the California
39 Constitution for certain costs that may be incurred by a
40 local agency or school district because in that regard this



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

7 However, notwithstanding Section 17610 of the
8 Government Code, if the Commission on State Mandates
9 determines that this act contains other costs mandated by
10 the state, reimbursement to local agencies and school
11 districts for those costs shall be made pursuant to Part 7
12 (commencing with Section 17500) of Division 4 of Title
13 2 of the Government Code. If the statewide cost of the
14 claim for reimbursement does not exceed one million
15 dollars (\$1,000,000), reimbursement shall be made from
16 the State Mandates Claims Fund.

