AMENDED IN SENATE AUGUST 24, 2009

AMENDED IN SENATE JULY 23, 2009

AMENDED IN SENATE JUNE 23, 2009

AMENDED IN SENATE JUNE 16, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL   No. 241

Introduced by Assembly Member Nava
(Coauthors: Senators DeSaulnier, Florez, and Strickland)

February 10, 2009

An act to add Section 597.8 to the Penal Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 241, as amended, Nava. Dogs and cats: breeding for sale.

Existing law proscribes specified acts against animals and imposes criminal penalties for a violation.

This bill would make it a misdemeanor for any person to have more than a combined total of 50 adult unsterilized dogs and cats, *in the state,* for breeding or raising them for sale as pets, as specified. *The bill would also prohibit a business entity, as defined, from having more than a combined total of 50 adult unsterilized dogs and cats, in the state, for breeding or raising them for sale as pets, as specified. The bill would make it a misdemeanor to act in concert with another person or to voluntarily assist a business entity in violating these provisions.* The bill would authorize certain officers to lawfully take possession of an animal kept in violation of ~~that provision~~ *those provisions*, as specified.

Because this bill would create a new crime, it would impose a state-mandated local program.

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. This act shall be known and may be cited as the
2 Responsible Breeder Act of 2009.
3 SEC. 2. Section 597.8 is added to the Penal Code, to read:
4 597.8. (a) No person *or business entity, as defined in*
5 *subdivision (g),* shall own, possess, control, or otherwise have
6 charge or custody of more than a combined total of 50 adult
7 unsterilized dogs and cats, *in the state,* at any time used for the
8 purpose of breeding or raising dogs or cats for sale as pets, ~~or for~~
9 ~~the purpose of producing offspring from dogs or cats for sale as~~
10 ~~pets~~. Any person *or business entity, as defined in subdivision (g),*
11 that must reduce the number of adult unsterilized dogs or cats in
12 order to comply with this section shall spay or neuter the excess
13 animals or sell, transfer, or relinquish the excess animals within
14 30 days following notification by authorities specified in
15 subdivision (b). If necessary, any euthanasia procedures shall be
16 performed by a California licensed veterinarian or a person
17 qualified to perform euthanasia procedures pursuant to regulations
18 adopted by the Veterinary Medical Board for employees of an
19 animal control shelter or humane society and its agencies who are
20 not veterinarians or registered veterinary technicians.
21 (b) A peace officer, humane officer, or animal control officer
22 may lawfully take possession of an animal kept in violation of this
23 section when necessary to protect the health or safety of the animal
24 or the health or safety of others. An officer that seizes an animal
25 under this subdivision shall comply with paragraphs (1) to (4),
26 inclusive, of subdivision (f) of Section 597.1.
27 (c) A person who violates this section is guilty of a
28 misdemeanor.

1   *(d) Any person who voluntarily acts in concert with another*
2   *person by aiding, abetting, counseling, commanding, inducing,*
3   *soliciting, requesting, or assisting that person in the violation of*
4   *this section shall be guilty of a misdemeanor. Any person who*
5   *voluntarily assists a business entity, as defined in subdivision (g),*
6   *in the violation of this section shall be guilty of a misdemeanor.*
7   ~~(d)~~
8   *(e)* This section does not apply to any of the following:
9   (1) A public animal control agency or shelter, society for the
10 prevention of cruelty to animals shelter, humane society shelter,
11 or rescue group. Except as specified in subdivision ~~(e)~~ *(f)*, these
12 entities are the same as the entities regulated under Division 14
13 (commencing with Section 30501) of the Food and Agriculture
14 Code.
15 (2) A veterinary facility.
16 (3) A research facility, as defined in Section 2132(e) of Title 7
17 of the United States Code.
18 ~~(e)~~
19 *(f)* For purposes of this section, "rescue group" means a
20 not-for-profit entity whose primary purpose is the placement of
21 dogs, cats, or other animals that have been removed from a public
22 animal control agency or shelter, society for the prevention of
23 cruelty to animals shelter, or humane society shelter, or that have
24 been surrendered or relinquished to the entity by the previous
25 owner.
26 *(g) For purposes of this section, "business entity" means any*
27 *company, firm, association, partnership, business trust,*
28 *corporation, limited liability company, or other legal entity.*
29 *(h) For purposes of this section, "adult dog" means any dog*
30 *that is four months of age or older.*
31 ~~(f)~~
32 *(i)* Nothing in this section shall be construed to prevent a city,
33 county, or city and county from adopting or enforcing any local
34 law related to dogs or cats that may contain more restrictive
35 provisions relating to the possession of unsterilized dogs and cats
36 than those contained in this section.
37 SEC. 3. No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 the only costs that may be incurred by a local agency or school
40 district will be incurred because this act creates a new crime or

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

O