

Assembly Bill No. 1426

Passed the Assembly August 29, 2005

Chief Clerk of the Assembly

Passed the Senate August 22, 2005

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2005, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 597u of, and to repeal Section 597w of, the Penal Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 1426, Liu. Animal euthanasia.

Existing law makes it a crime to engage in acts of animal abuse, as specified. Existing law makes it a misdemeanor to kill any animal by the use of carbon monoxide gas.

This bill would provide that it is also a misdemeanor to kill any animal by means of an intracardiac injection of a euthanasia agent on a conscious animal, unless the animal is heavily sedated or anesthetized in a humane manner, or comatose, or unless, in light of all the relevant circumstances, the procedure is justifiable. By creating a new crime, this bill would impose a state-mandated program upon local governments.

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 597u of the Penal Code is amended to read:

597u. (a) No person, peace officer, officer of a humane society, or officer of a pound or animal regulation department of a public agency shall kill any animal by using any of the following methods:

- (1) Carbon monoxide gas.
- (2) Intracardiac injection of a euthanasia agent on a conscious animal, unless the animal is heavily sedated or anesthetized in a humane manner, or comatose, or unless, in light of all the relevant circumstances, the procedure is justifiable.

(b) With respect to the killing of any dog or cat, no person, peace officer, officer of a humane society, or officer of a pound

or animal regulation department of a public agency shall use any of the methods specified in subdivision (a) or any of the following methods:

- (1) High-altitude decompression chamber.
- (2) Nitrogen gas

SEC. 2. Section 597w of the Penal Code is repealed.

SEC. 3. 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 _____, 2005

Governor