

AMENDED IN SENATE MARCH 27, 2006

SENATE BILL

No. 1806

Introduced by Senator Figueroa

February 24, 2006

An act to amend Section 4005 of the Fish and Game Code, relating to fish and game add Section 597.7 to the Penal Code, and to amend Section 23117 of the Vehicle Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

SB 1806, as amended, Figueroa. ~~Trapping license: fur-bearing mammals. Animals: abuse.~~

(1) ~~Existing law requires every person other than a fur dealer who traps fur-bearing mammals or nongame mammals designated by the Fish and Game Commission or who sells raw furs of those mammals, to procure a trapping license, with specified exceptions. Existing law requires the Department of Fish and Game to develop standards that are necessary to ensure the competence and proficiency of applicants for a trapping license.~~

~~This bill would instead require every person other than a fur dealer who traps a badger, bat, beaver, bobcat, coyote, ermine, fox, mink, muskrat, opossum, raccoon, skunk, squirrel, or any other mammal designated by the commission or who sells raw furs of those mammals, to procure a trapping license, as provided.~~

(2) ~~Existing law generally provides that a violation of the fish and game laws is a crime.~~

~~This bill would impose a state-mandated local program by creating new crimes.~~

Existing law provides that any person who subjects any animal to needless suffering, or inflicts unnecessary cruelty upon an animal, or

in any manner abuses any animal or fails to provide an animal with proper food, drink, or shelter or protection from the weather is guilty of a crime punishable by a fine not exceeding \$20,000, imprisonment in a county jail, imprisonment in the state prison, or both fine and imprisonment.

This bill would state findings and declarations regarding the consequences of leaving companion animals unattended inside closed vehicles in the heat. This bill would provide that leaving or confining an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal, or if the temperature outside the vehicle is 85 degrees Fahrenheit or higher is a crime punishable by a fine, imprisonment in a county jail, or both fine and imprisonment, as specified. Because this bill would create a new crime, this bill would impose a state-mandated local program.

Existing law provides that no person driving a motor vehicle shall transport any animal in the back of the vehicle in a space that is intended for any load on the vehicle on a highway, except as specified.

This bill would expand these provisions to any driver regardless of whether he or she is traveling on a highway. Because a violation of these provisions is an infraction, this bill would expand the definition of a crime and therefore 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. Section 597.7 is added to the Penal Code, to
2 read:
3 597.7. (a) The Legislature finds and declares all of the
4 following:

1 (1) *Leaving companion animals unattended inside closed*
2 *vehicles in the heat, even for short periods of time, has caused*
3 *severe injury and death to animals.*

4 (2) *Moderately warm temperatures outside can quickly lead to*
5 *deadly temperatures inside a closed car, for example, within one*
6 *hour an outside temperature of 72 degrees Fahrenheit can cause*
7 *unhealthful conditions inside a vehicle that can adversely affect*
8 *the health, safety, or well-being of an animal.*

9 (3) *With the vehicle windows left slightly open, an outside*
10 *temperature of 85 degrees can cause a temperature of 102*
11 *degrees inside a vehicle within 10 minutes, and 120 degrees*
12 *within half of an hour. A healthy dog, whose normal body*
13 *temperature ranges from 101 to 102.5 degrees, can withstand a*
14 *body temperature of 107 to 108 for only a short time before*
15 *suffering brain damage or death.*

16 (4) *Numerous organizations and individuals have worked to*
17 *educate pet owners of the dangers of leaving animals unattended*
18 *in vehicles in the heat, however, it is well established that*
19 *educational approaches by themselves do not improve safety*
20 *behavior. To be effective, educational approaches must be*
21 *integrated with enforcement activities.*

22 (5) *It is, therefore, the intent of the Legislature to improve*
23 *animal health and safety by both encouraging continued public*
24 *education as well as discouraging this activity by imposing a*
25 *penalty upon persons who leave or confine an animal in an*
26 *unattended motor vehicle.*

27 (b) *No person shall leave or confine an animal in any*
28 *unattended motor vehicle under conditions that endanger the*
29 *health or well-being of an animal due to heat, cold, lack of*
30 *adequate ventilation, or lack of food or water, or other*
31 *circumstances that could reasonably be expected to cause*
32 *suffering, disability, or death to the animal.*

33 (c) *Unless the animal suffers great bodily injury, a first*
34 *conviction for violation of this section is punishable by a fine not*
35 *exceeding two hundred fifty dollars (\$250) per animal. If the*
36 *animal suffers great bodily injury, a violation of this section is*
37 *punishable by a fine not exceeding one thousand dollars*
38 *(\$1,000), imprisonment in a county jail not exceeding six months,*
39 *or by both a fine and imprisonment. Any subsequent violation of*
40 *this section, regardless of injury to the animal, is also punishable*

1 by a fine not exceeding one thousand dollars (\$1,000),
2 imprisonment in a county jail not exceeding six months, or by
3 both a fine and imprisonment.

4 (d) (1) Nothing in this section shall prevent a peace officer or
5 an animal control officer from removing an animal from a motor
6 vehicle if the animal's safety appears to be in immediate danger
7 from heat, cold, lack of adequate ventilation, lack of food or
8 water, or other circumstances that could reasonably be expected
9 to cause suffering, disability, or death to the animal.

10 (2) A peace officer or animal control officer who removes an
11 animal from a motor vehicle shall take it to an animal shelter or
12 other place of safekeeping or, if the officer deems necessary, to a
13 veterinary hospital for treatment.

14 (3) A peace officer or animal control officer is authorized to
15 take all steps that are reasonably necessary for the removal of an
16 animal from a motor vehicle, including, but not limited to,
17 breaking into the motor vehicle.

18 (4) A peace officer or animal control officer who removes an
19 animal from a motor vehicle shall, in a secure and conspicuous
20 location on or within the motor vehicle, leave written notice
21 bearing his or her name and office, and the address of the
22 location where the animal can be claimed. The animal may be
23 claimed by the owner only after payment of all charges that have
24 accrued for the maintenance, care, medical treatment, or
25 impoundment of the animal.

26 (5) No peace officer or animal control officer shall be held
27 criminally or civilly liable for any action taken pursuant to this
28 subdivision provided that he or she acted in good faith, on
29 probable cause, and without malice.

30 (e) Nothing in this section shall preclude prosecution under
31 both this section and Section 597 or any other provision of law,
32 including city or county ordinances.

33 (f) Nothing in this section shall be deemed to prohibit the
34 transportation of horses, cattle, pigs, sheep, poultry or other
35 agricultural animals in motor vehicles designed to transport such
36 animals for agricultural purposes.

37 (g) Notwithstanding any other provision of law, the fines
38 collected for violations of this section shall be allocated as
39 follows:

1 (1) Fifty percent shall be allocated to animal control to be
2 used for costs associated with enforcement of this section.

3 (2) Fifty percent shall be allocated to the development of
4 community education programs on the dangers associated with
5 leaving animals unattended in motor vehicles.

6 SEC. 2 Section 23117 of the Vehicle Code is amended to
7 read:

8 23117. (a) No person driving a motor vehicle shall possess
9 or transport any animal in the back of the vehicle in a space
10 intended for any load on the vehicle ~~on a highway~~ unless the
11 space is enclosed or has side and tail racks to a height of at least
12 46 inches extending vertically from the floor, the vehicle has
13 installed means of preventing the animal from being discharged,
14 or the animal is cross tethered to the vehicle, or is protected by a
15 secured container or cage, in a manner which will prevent the
16 animal from being thrown, falling, or jumping from the vehicle.

17 (b) This section does not apply to any of the following:

18 (1) The transportation of livestock.

19 (2) The transportation of a dog whose owner either owns or is
20 employed by a ranching or farming operation who is traveling on
21 a road in a rural area or who is traveling to and from a livestock
22 auction.

23 (3) The transportation of a dog for purposes associated with
24 ranching or farming.

25 SECTION 1. ~~Section 4005 of the Fish and Game Code is~~
26 ~~amended to read:~~

27 4005. (a) ~~Except as otherwise provided in this section, every~~
28 ~~person, other than a fur dealer, who traps a badger, bat, beaver,~~
29 ~~bobcat, coyote, ermine, fox, mink, muskrat, opossum, raccoon,~~
30 ~~skunk, squirrel, or any other mammal designated by the~~
31 ~~commission or who sells raw furs of those mammals, shall~~
32 ~~procure a trapping license. "Raw fur" means any fur, pelt, or skin~~
33 ~~that has not been tanned or cured, except that salt-cured or~~
34 ~~sun-cured pelts are raw furs.~~

35 (b) ~~The department shall develop standards that are necessary~~
36 ~~to ensure the competence and proficiency of applicants for a~~
37 ~~trapping license. No person shall be issued a license until he or~~
38 ~~she has passed a test of his or her knowledge and skill in this~~
39 ~~field.~~

1 ~~(e) Persons trapping mammals in accordance with Section~~
2 ~~4152 or 4180 are not required to procure a trapping license~~
3 ~~except when providing trapping services for profit.~~

4 ~~(d) No raw furs taken by persons providing trapping services~~
5 ~~for profit may be sold.~~

6 ~~(e) Officers or employees of federal, county, or city agencies~~
7 ~~or the department, when acting in their official capacities, or~~
8 ~~officers or employees of the Department of Food and Agriculture~~
9 ~~when acting pursuant to the Food and Agricultural Code~~
10 ~~pertaining to pests or pursuant to Article 6 (commencing with~~
11 ~~Section 6021) of Chapter 9 of Part 1 of Division 4 of the Food~~
12 ~~and Agricultural Code, are exempt from the license requirement~~
13 ~~of this section.~~

14 ~~SEC. 2.~~

15 *SEC. 3.* No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the
20 penalty for a crime or infraction, within the meaning of Section
21 17556 of the Government Code, or changes the definition of a
22 crime within the meaning of Section 6 of Article XIII B of the
23 California Constitution.