

AMENDED IN SENATE AUGUST 30, 2000
AMENDED IN SENATE AUGUST 18, 2000
AMENDED IN SENATE AUGUST 7, 2000
AMENDED IN ASSEMBLY MAY 26, 2000
AMENDED IN ASSEMBLY MAY 16, 2000
AMENDED IN ASSEMBLY APRIL 25, 2000
AMENDED IN ASSEMBLY APRIL 6, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2754

**Introduced by Assembly Member House
(Principal coauthor: Assembly Member Strom-Martin)**

February 25, 2000

An act to amend Sections 31108, 31752, 31753, and 31754 of, and to add Sections 31108.5 and 31752.2 to, the Food and Agricultural Code, relating to stray animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 2754, as amended, House. Stray animals.

(1) Existing law provides that the required holding period for a stray dog or cat impounded by a pound or shelter shall be 6 business days, except that under specified circumstances the holding period shall be 4 business days. Existing law provides that stray animals shall be held for owner redemption during the first 3 days of the holding period, not

including the day of impoundment, and shall be available for owner redemption or adoption for the remainder of the holding period. Existing law provides that any stray animal that is impounded shall, prior to the killing of that animal for any reason other than irremediable suffering, be released to a nonprofit animal rescue or adoption organization if requested by the organization prior to the scheduled killing of that animal. Existing law provides that in addition to any required spay or neuter deposit, the pound or shelter, at its discretion, may assess a fee, not to exceed the standard adoption fee, for animals released. A violation of these provisions is an infraction, punishable as specified.

This bill would revise the above provisions to instead provide that, except as specified, the holding period would be 6 business days, not counting the day of impoundment, that any stray dog or cat that is impounded shall, prior to the euthanasia of the dog or cat, be released to a nonprofit animal rescue or adoption organization if requested by the organization prior to the scheduled euthanasia of that animal, and that in addition to any required spay or neuter deposit, the public or private shelter, at its discretion, may assess a fee, not to exceed the standard adoption fee, for animals adopted or released. The bill would require a person, upon relinquishing a dog or cat to a pound or shelter, to sign a statement that he or she is the lawful owner. Providing false information would make the person subject to a civil fine of \$1,000. The bill would make conforming changes to a related provision involving other specified animals. By revising existing and creating new crimes, this bill would impose a state-mandated local program upon local governments.

(2) Existing law provides that any animal relinquished by the purported owner that is of a species impounded by pounds or shelters shall be held for 2 full business days, not including the date of impoundment. Existing law provides that the animal shall be available for owner redemption for the first day, not including the date of impoundment; shall be available for owner redemption or adoption for the 2nd day; and after the 2nd required day, the animal may be held longer, killed, or relinquished to a nonprofit animal adoption organization, as defined in the Internal Revenue Code. Existing law



provides that these provisions shall become inoperative on July 1, 2001, and shall be repealed as of January 1, 2002. A violation of any of these provisions is an infraction, punishable as specified.

This bill would extend the operation of these provisions until July 1, 2002, and would instead provide that, except as specified, the holding period would be 6 business days, not counting the day of impoundment, and that any animal relinquished by the purported owner that is of a species impounded by public or private shelters shall be available for owner redemption or adoption during the entire holding period, and after the holding period, the animal may be adopted by a new owner, held longer, euthanized, or released to a nonprofit animal adoption organization. The bill would authorize these shelters to enter into cooperative agreements with any animal rescue or adoption organization. By revising existing crimes, this bill would impose a state-mandated local program upon local governments.

(3) *This bill would incorporate additional changes in Section 31754 proposed by AB 1786, to be operative if AB 1786 and this bill are both enacted and become effective on or before January 1, 2001, and this bill is enacted last.*

(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: no. Fiscal committee: yes. State-mandated local program: yes.

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

- 1 SECTION 1. Section 31108 of the Food and
- 2 Agricultural Code is amended to read:
- 3 31108. (a) The required holding period for a stray
- 4 dog impounded pursuant to this division shall be six
- 5 business days, not including the day of impoundment,
- 6 except as follows:



1 (1) If the public or private shelter has made the dog
2 available for owner redemption on one weekday evening
3 until at least 7:00 p.m. or one weekend day, the holding
4 period shall be four business days, not including the day
5 of impoundment.

6 (2) If the public or private shelter has fewer than three
7 full-time employees or is not open during all regular
8 weekday business hours, and if it has established a
9 procedure to enable owners to reclaim their dogs by
10 appointment at a mutually agreeable time when the
11 public or private shelter would otherwise be closed, the
12 holding period shall be four business days, not including
13 the day of impoundment.

14 Except as provided in Section 17006, stray dogs shall be
15 held for owner redemption during the first three days of
16 the holding period, not including the day of
17 impoundment, and shall be available for owner
18 redemption or adoption for the remainder of the holding
19 period.

20 (b) Except as provided in Section 17006, any stray dog
21 that is impounded pursuant to this division shall, prior to
22 the euthanasia of that animal, be released to a nonprofit,
23 as defined in Section 501(c)(3) of the Internal Revenue
24 Code, animal rescue or adoption organization if
25 requested by the organization prior to the scheduled
26 euthanasia of that animal. The public or private shelter
27 may enter into cooperative agreements with any animal
28 rescue or adoption organization. In addition to any
29 required spay or neuter deposit, the public or private
30 shelter, at its discretion, may assess a fee, not to exceed the
31 standard adoption fee, for animals adopted or released.

32 (c) During the holding period required by this section
33 and prior to the adoption or euthanasia of a dog
34 impounded pursuant to this division, a public or private
35 shelter shall scan the dog for a microchip that identifies
36 the owner of that dog and shall make reasonable efforts
37 to contact the owner and notify him or her that his or her
38 dog is impounded and is available for redemption.

39 SEC. 2. Section 31108.5 is added to the Food and
40 Agricultural Code, to read:



1 31108.5. (a) (1) Upon relinquishment of a dog to a
2 public or private shelter, the owner of that dog shall
3 present sufficient identification to establish his or her
4 ownership of the dog and shall sign a statement that he
5 or she is the lawful owner of the dog.

6 (2) Any person who provides false information
7 pursuant to this subdivision about his or her ownership of
8 the dog shall be liable to the true owner of the dog in the
9 amount of one thousand dollars (\$1,000).

10 (b) Upon relinquishment, the dog may be made
11 available for immediate euthanasia if it has a history of
12 vicious or dangerous behavior documented by the agency
13 charged with enforcing state and local animal laws.

14 SEC. 3. Section 31752 of the Food and Agricultural
15 Code is amended to read:

16 31752. (a) The required holding period for a stray cat
17 impounded pursuant to this division shall be six business
18 days, not including the day of impoundment, except as
19 follows:

20 (1) If the public or private shelter has made the cat
21 available for owner redemption on one weekday evening
22 until at least 7:00 p.m. or one weekend day, the holding
23 period shall be four business days, not including the day
24 of impoundment.

25 (2) If the public or private shelter has fewer than three
26 full-time employees or is not open during all regular
27 weekday business hours, and if it has established a
28 procedure to enable owners to reclaim their cats by
29 appointment at a mutually agreeable time when the
30 public or private shelter would otherwise be closed, the
31 holding period shall be four business days, not including
32 the day of impoundment.

33 Except as provided in Sections 17006 and 31752.5, stray
34 cats shall be held for owner redemption during the first
35 three days of the holding period, not including the day of
36 impoundment, and shall be available for owner
37 redemption or adoption for the remainder of the holding
38 period.

39 (b) Except as provided in Section 17006, any stray cat
40 that is impounded pursuant to this division shall, prior to



1 the euthanasia of that animal, be released to a nonprofit,
2 as defined in Section 501(c)(3) of the Internal Revenue
3 Code, animal rescue or adoption organization if
4 requested by the organization prior to the scheduled
5 euthanasia of that animal. In addition to any required
6 spay or neuter deposit, the public or private shelter, at its
7 discretion, may assess a fee, not to exceed the standard
8 adoption fee, for animals adopted or released. The public
9 or private shelter may enter into cooperative agreements
10 with any animal rescue or adoption organization.

11 (c) During the holding period required by this section
12 and prior to the adoption or euthanasia of a cat
13 impounded pursuant to this division, a public or private
14 shelter shall scan the cat for a microchip that identifies
15 the owner of that cat and shall make reasonable efforts to
16 contact the owner and notify him or her that his or her cat
17 is impounded and is available for redemption.

18 SEC. 4. Section 31752.2 is added to the Food and
19 Agricultural Code, to read:

20 31752.2. (a) Upon relinquishment of a cat to a public
21 or private shelter, the owner of that cat shall present
22 sufficient identification to establish his or her ownership
23 of the cat and shall sign a statement that he or she is the
24 lawful owner of the cat.

25 (b) Any person who provides false information
26 pursuant to this subdivision about his or her ownership of
27 the cat shall be liable to the true owner of the cat in the
28 amount of one thousand dollars (\$1,000).

29 SEC. 5. Section 31753 of the Food and Agricultural
30 Code is amended to read:

31 31753. Any rabbit, guinea pig, hamster, potbellied pig,
32 bird, lizard, snake, turtle, or tortoise that is legally allowed
33 as personal property and that is impounded in a public or
34 private shelter shall be held for the same period of time,
35 under the same requirements of care, and with the same
36 opportunities for redemption and adoption by new
37 owners or nonprofit, as defined in Section 501(c)(3) of
38 the Internal Revenue Code, animal rescue or adoption
39 organizations as provided for cats and dogs. Section 17006
40 shall also apply to these animals. In addition to any



1 required spay or neuter deposit, the public or private
2 shelter, at its discretion, may assess a fee, not to exceed the
3 standard adoption fee, for animals adopted by new
4 owners or released to nonprofit animal rescue or adoption
5 organizations pursuant to this section.

6 SEC. 6. 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 public or private shelters shall be
12 available for adoption or owner redemption for two full
13 business days, not including the day of impoundment.
14 After the holding period, the animal may be adopted by
15 a new owner, held longer, euthanized, or released to a
16 nonprofit, as defined in Section 501(c)(3) of the Internal
17 Revenue Code, animal adoption organization under the
18 same conditions and circumstances provided for stray
19 dogs and cats in Sections 31108 and 31752.

20 (b) This section shall become operative on July 1, 1999.
21 This section shall become inoperative on July 1, 2002, and,
22 as of January 1, 2003, is repealed, unless a later enacted
23 statute that is enacted before January 1, 2003, deletes or
24 extends the dates on which it becomes inoperative and is
25 repealed.

26 SEC. 6.5. *Section 31754 of the Food and Agricultural*
27 *Code is amended to read:*

28 31754. (a) Except as provided in Section 17006, any
29 animal relinquished by the purported owner that is of a
30 species impounded by ~~pounds~~ *public* or *private* shelters
31 shall be ~~held~~ *available for adoption or owner redemption*
32 for two full business days, not including the day of
33 impoundment. ~~The animal shall be available for owner~~
34 ~~redemption for the first day, not including the day of~~
35 ~~impoundment, and shall be available for owner~~
36 ~~redemption or adoption for the second day. After the~~
37 ~~second required day, the animal may be held longer,~~
38 ~~killed, or relinquished~~ *After the holding period, the*
39 *animal may be adopted by a new owner, held longer,*
40 *euthanized, or released to a nonprofit, as defined in*



1 Section 501(c)(3) of the Internal Revenue Code, animal
 2 adoption organization under the same conditions and
 3 circumstances provided for stray dogs and cats in Sections
 4 31108 and 31752.

5 (b) *Notwithstanding subdivision (a), kittens or*
 6 *puppies relinquished by the purported owner, or brought*
 7 *in by any other person with authority to relinquish them,*
 8 *to public or private shelters, may be available*
 9 *immediately for adoption.*

10 (c) This section shall become operative on July 1, 1999.
 11 This section shall become inoperative on July 1, ~~2001~~ 2002,
 12 and, as of January 1, ~~2002~~ 2003, is repealed, unless a later
 13 enacted statute that is enacted before January 1, ~~2002~~
 14 2003, deletes or extends the dates on which it becomes
 15 inoperative and is repealed.

16 SEC. 7. Section 31754 of the Food and Agricultural
 17 Code, as added by Section 16.5 of Chapter 752 of the
 18 Statutes of 1998, is amended to read:

19 31754. (a) Except as provided in Section 17006, any
 20 animal relinquished by the purported owner that is of a
 21 species impounded by public or private shelters shall be
 22 held for the same holding periods, with the same
 23 requirements of care, applicable to stray dogs and cats in
 24 Sections 31108 and 31752, and shall be available for owner
 25 redemption or adoption for the entire holding period.

26 (b) This section shall become operative on July 1, 2002.

27 SEC. 7.5. *Section 31754 of the Food and Agricultural*
 28 *Code is amended to read:*

29 31754. (a) Except as provided in Section 17006, any
 30 animal relinquished by the purported owner that is of a
 31 species impounded by ~~pounds~~ *public* or *private* shelters
 32 shall be held for the same holding periods, with the same
 33 requirements of care, applicable to stray dogs and cats in
 34 Sections 31108 and ~~31755~~, ~~except that the period for~~
 35 ~~owner redemption shall be one day, not including the day~~
 36 ~~of impoundment, and the period 31752, and shall be~~
 37 ~~available for owner redemption or adoption—shall be for~~
 38 ~~the remainder of the entire holding period.~~

39 (b) *Notwithstanding subdivision (a), kittens or*
 40 *puppies relinquished by the purported owner, or brought*



1 *in by any other person with authority to relinquish them,*
2 *to public or private shelters, may be available*
3 *immediately for adoption.*

4 (c) This section shall become operative on July 1, 2001
5 2002.

6 SEC. 8. *Section 6.5 of this bill incorporates*
7 *amendments to Section 31754 of the Penal Code, as added*
8 *by Section 16 of Chapter 752 of the Statutes of 1998,*
9 *proposed by both this bill and AB 1786. It shall only*
10 *become operative if (1) both bills are enacted and*
11 *become effective on or before January 1, 2001, (2) each*
12 *bill amends Section 31754 of the Penal Code, and (3) this*
13 *bill is enacted after AB 1786, in which case Section 6 of this*
14 *bill shall not become operative.*

15 SEC. 9. *Section 7.5 of this bill incorporates*
16 *amendments to Section 31754 of the Penal Code, as added*
17 *by Section 16.5 of Chapter 752 of the Statutes of 1998,*
18 *proposed by both this bill and AB 1786. It shall only*
19 *become operative if (1) both bills are enacted and*
20 *become effective on or before January 1, 2001, (2) each*
21 *bill amends Section 31754 of the Penal Code, and (3) this*
22 *bill is enacted after AB 1786, in which case Section 7 of this*
23 *bill shall not become operative.*

24 SEC. 10. No reimbursement is required by this act
25 pursuant to Section 6 of Article XIII B of the California
26 Constitution because the only costs that may be incurred
27 by a local agency or school district will be incurred
28 because this act creates a new crime or infraction,
29 eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section
31 17556 of the Government Code, or changes the definition
32 of a crime within the meaning of Section 6 of Article
33 XIII B of the California Constitution.

