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THIRD READING

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Bill No: AB 1825  
Author: Gordon (D) and Maienschein (R), et al.  
Introduced: 2/8/16  
Vote: 21

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SENATE JUDICIARY COMMITTEE: 7-0, 6/21/16  
AYES: Jackson, Moorlach, Anderson, Hertzberg, Leno, Monning, Wieckowski

ASSEMBLY FLOOR: 75-0, 5/9/16 - See last page for vote

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**SUBJECT:** Vicious dogs: definition

**SOURCE:** Best Friends Animal Society

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**DIGEST:** This bill deletes from the definition of vicious dog “a dog seized under criminal laws prohibiting dog-fighting whose owner has been convicted of a crime related to dog-fighting.”

**ANALYSIS:**

Existing law:

- 1) Provides legislative findings and declarations related to the statewide public health and safety problems of potentially dangerous and vicious dogs, which requires statewide regulation. (Food & Agr. Code sec. 31601.)
- 2) Defines a “vicious dog” to mean any of the following:
  - A dog seized under criminal laws prohibiting dog-fighting whose owner has been convicted of a crime related to dog-fighting;
  - Any dog which, when unprovoked, inflicts severe injury on or kills a human being in an aggressive manner; and

- Any dog previously determined to be and currently listed as a potentially dangerous dog which, after its owner or keeper has been notified of this determination, continues the behavior. (Food & Agr. Code sec. 31601.)
- 3) Provides that cities and counties are authorized to create their own programs for the control of potentially dangerous or vicious dogs, and they are not required to incorporate any of the relevant chapter (including the provisions above) in that local program. (Food & Agr. Code sec. 31683.)

This bill deletes from the definition of vicious dog “a dog seized under criminal laws prohibiting dog-fighting whose owner has been convicted of a crime related to dog-fighting.”

## **Background**

In 1987, two-year old James Soto was fatally mauled by a neighbor’s dog. One of the paramedics who arrived on the scene said that James was “unrecognizable as a human being.” When police searched the home of Michael Berry, the dog’s owner, they found both dog-fighting magazines and a treadmill used for training dogs for combat. In addition, they found 200 marijuana plants, which they suspected the dog had been tasked with protecting from poachers. In response to James’ death and a rise in the number and severity of dog attacks, the Legislature enacted SB 428 (Torres, Chapter 761, Statutes of 1989) which regulates potentially dangerous and vicious dogs.

Animal fighting was again brought to the forefront of the nation’s attention by the highly publicized conviction of National Football League star quarterback Michael Vick. Vick and his associates operated “Bad Newz Kennels,” which housed and trained over 50 pit bull dogs, staged dog fights, killed dogs, and ran a high stakes gambling ring with purses up to \$26,000. A team of animal behavior experts selected by the American Society for the Prevention of Cruelty to Animals analyzed the 49 seized dogs and recommended whether they were suitable to be adopted by families, trained as police dogs, placed in a sanctuary, or should be euthanized. Only one dog was recommended for euthanasia because of extreme aggression. The others were deemed suitable to go to sanctuaries or foster homes for socialization training.

This bill, seeking to ensure that dogs seized from dog-fighting operations are evaluated on a case-by-case basis, removes the provision of law that labels any dog seized from a fighting ring whose owner is convicted for felony dog fighting, as vicious.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: No Local: No

**SUPPORT:** (Verified 6/23/16)

Best Friends Animal Society (source)

American Society for the Prevention of Cruelty to Animals

Bay Area Alliance for Animals

Beagle Freedom Project; California Animal Control Directors Association

California Police Chiefs Association

City and County of San Francisco

City of Sacramento

Dog Adoption and Welfare Group

Humane Society of the United States

Kitty Bungalow Charm School for Wayward Cats

Latino Alliance for Animal Care Coalition

LIUNA Locals 777 & 792

Living Free Animal Sanctuary

Los Angeles Animal Services

Los Angeles County District Attorney's Office

New Leash on Life

Old Yeller Ranch Rescue

Palm Springs Animal Shelter

San Diego Humane Society

San Francisco SPCA

San Luis Obispo County Health Agency, Animal Services Division

Santa Barbara County Board of Supervisors

Santa Clara County Board of Supervisors

Sea World

Shadow's Fund

Stockton Animal Services

The Pet Care Foundation

The Peter Zippi Fund for Animals

Ventura County Board of Supervisors

Woods Humane Society

**OPPOSITION:** (Verified 6/23/16)

Six individuals

**ARGUMENTS IN SUPPORT:** Best Friends Animal Society, sponsor, writes:

California's statute is inconsistent and outdated, and the mandate does not relate to the behavior of the individual dogs themselves. AB 1825 repeals this provision and restores local government shelter discretion for all victims of cruelty.

As it now stands, no dogs admitted into a California shelter under the conditions of Food and Ag Code 31603(a) can be spared the arbitrary and capricious "vicious" label, regardless of their behavior, age or the judgment of shelter professionals. It doesn't matter if the dog was a breeding mother, a pup or a stolen pet.

Stray dogs arriving at shelters without any known history are not presumed to pose a risk. They are evaluated individually using techniques developed over years by animal sheltering professionals. Victims of cruelty should receive the same evaluations.

ASSEMBLY FLOOR: 75-0, 5/9/16

AYES: Achadjian, Alejo, Travis Allen, Arambula, Atkins, Baker, Bigelow, Bloom, Bonilla, Bonta, Brough, Brown, Burke, Calderon, Campos, Chang, Chau, Chávez, Chiu, Chu, Cooley, Cooper, Dababneh, Dahle, Daly, Dodd, Eggman, Frazier, Gallagher, Cristina Garcia, Gatto, Gipson, Gomez, Gonzalez, Gordon, Gray, Grove, Hadley, Harper, Roger Hernández, Holden, Irwin, Jones-Sawyer, Kim, Lackey, Levine, Linder, Lopez, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Nazarian, Obernolte, O'Donnell, Patterson, Quirk, Ridley-Thomas, Rodriguez, Salas, Santiago, Steinorth, Mark Stone, Thurmond, Ting, Wagner, Waldron, Weber, Wilk, Williams, Wood, Rendon  
NO VOTE RECORDED: Beth Gaines, Eduardo Garcia, Jones, Melendez, Olsen

Prepared by: Nichole Rapier / JUD. / (916) 651-4113  
6/24/16 14:33:45

\*\*\*\* END \*\*\*\*