

FACT SHEET: AB 2278 REVISIONS TO PENAL CODE 597.1 -ANIMAL CRUELTY CODE

OFFICE OF ASSEMBLYMAN ERIC LINDER

IN BRIEF

AB 2278 would clarify the 14-day notice language and provide that all animals seized for alleged abuse are eligible for mandatory forfeiture after a hearing.

THE ISSUE

1. AB 2278 would clarify and more clearly delineate the rights and responsibilities of owners and animal control agencies upon seizure of abused animals.

Animal control agencies, SPCAs, humane societies, prosecutors, judges, and pet owners face confusion over their rights and responsibilities after an animal has been seized for alleged abuse under Penal Code § 597.1. This confusion often results in undue suffering by the seized animals, financial loss to the shelters, and unexpected and burdensome financial liability on owners.

2. AB 2278 would also make all animals – not just dogs and cats – eligible for court-ordered forfeiture.

Penal Code § 597.1 provides that only dogs and cats are eligible for court-ordered forfeiture by the owner to the shelter. However, dogs and cats are not the only animals seized under this section. Animal control and humane officers often seize rabbits, horses, pigs, and roosters, and other animals. If forfeiture is inevitable, irrespective of the outcome of the case, making the animal available for adoption as soon as possible decreases the animal's suffering, frees up cages for incoming animals, and eases the burden on the shelter.

EXISTING LAW

Penal Code § 597.1(a)(1): Every owner, driver, or keeper of any animal who permits the animal to be in any building, enclosure, lane, street, square, or lot of any city, county, city and county, or judicial district without proper care and attention is guilty of a misdemeanor. Any peace officer, humane society officer, or animal control officer shall take possession of the stray or abandoned animal and shall provide care and treatment for the animal until the animal is deemed to be in suitable condition to be returned to the owner. When the officer has reasonable grounds to believe that very prompt action is required to protect the health or safety of the animal or the health or safety of others, the officer shall immediately seize the animal and comply with subdivision (f).

Penal Code § 597.1 (k)(1): *In the case of cats and dogs, prior to the final disposition of any criminal charges, the seizing agency or prosecuting attorney may file a petition in a criminal action requesting that, prior to that final disposition, the court issue an order forfeiting the animal to the city, county, or seizing agency. The petitioner shall serve a true copy of the petition upon the defendant and the prosecuting attorney.*



THE SOLUTION

AB 2278 would clarify that the seizing agency shall provide to the owner a notice of accrued charges for cost of the seizure/impoundment and care of the animal for each 14-day period during which the animal is impounded, and shall continue to provide, on an ongoing basis, notice of newly accrued charges. Moreover, the bill would clarify that if there is a post-seizure hearing, the initial notice or charges shall be given to the owner at the hearing. If there is no hearing, the notice shall be mailed via 1st class mail within 2 calendar days after the expiration of the 10-day period within which an owner can request a hearing.

An animal shall be deemed abandoned if any accrued charges are not paid within 14 days of service of the most recent notice. Payment of fees does not guarantee the release of the animal.

AB 2278 would not only make important changes to the Penal Code, it would also: (1) further protect animals that have been seized; (2) keep owners continuously informed of newly accrued charges; and (3) afford owners the opportunity to make regular payments toward those charges.

SPONSOR

California State Humane Association

FOR MORE INFORMATION

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