

**REFERENCE DOCUMENT FOR 2010 SB 1417. Corporations Code Section 14500 et seq was enacted by 1995 bill, AB 1571. All bill documents are available on California Legislative website for that session. Following excerpted analyses cover issues presented by AB 1571:**

**AB 1571 Date of Hearing: May 9, 1995** Counsel: Donald J. Currier ASSEMBLY COMMITTEE ON PUBLIC SAFETY Paula L. Boland, Chair AB 1571 (Caldera) - As Proposed to be Amended ISSUES:

- I. SHOULD GREATER TRAINING REQUIREMENTS BE PLACED ON HUMANE OFFICERS?
- II. SHOULD HUMANE OFFICERS BE DIVIDED INTO TWO CLASSIFICATIONS ALLOWING FOR ONE OF THE TWO CLASSES TO CARRY FIREARMS?
- III. SHOULD HUMANE OFFICERS BE REQUIRED TO PAY FOR THEIR OWN TRAINING?
- IV. SHOULD THE ABILITY OF A HUMANE OFFICER TO CARRY FIREARMS BE RESTRICTED TO THOSE CIRCUMSTANCES AND CONDITIONS DICTATED BY THE OFFICER'S EMPLOYING AGENCY?
- V. SHOULD THE CRIME OF RESISTING A HUMANE OFFICER BE ABOLISHED?
- VI. SHOULD THE CRIME OF FALSELY REPRESENTING ONESELF AS A HUMANE OFFICER BE ABOLISHED?
- VII. SHOULD THE ABILITY OF HUMANE OFFICERS TO SUMMON THE AID OF BYSTANDERS BE ELIMINATED?

**DIGEST Under current law:** 1) Humane societies are incorporated for the prevention of cruelty to animals. They have specialized police powers, including the - continued - AB 1571 Page 1 \_ AB 1571 power to carry weapons and to make arrests. They have many of the same powers and privileges as peace officers. (Business and Professions Code sections 4827 and 13200, Civil Code section 607d, Code of Civil Procedure section 1208.5, Fish and Game Code sections 2020 and 2189, Food and Agricultural Code sections 31106, 31252, and 31609, Health and Safety Code section 25988, Penal Code sections 597 et seq., 11156.16, 11166 et seq., 11172 et seq., 12031, and 12583.) 2) Humane officers must attend a course on the laws of arrest approved by the Commission on Peace Officer Standards and Training (P.O.S.T.). They must attend a training course at least 40 hours in length, pertaining to the care of animals. Humane officers must complete a P.O.S.T approved course of instructions in firearms in order to carry firearms while on duty. (Civil Code section 607f.) - continued - AB 1571 Page 2 \_ AB 1571 3) Costs of training a humane officer are borne by the corporation employing the officer. (Civil Code section 607f.) 4) Any person resisting a humane officer in the performance of his or her duty is guilty of a misdemeanor. (Civil Code section 607f.) 5) Any person falsely representing themselves as humane officer is guilty of a misdemeanor. (Civil code section 607f.) 6) In the event that a humane officer needs assistance in the performance of their duties, they may summon the assistance of a private citizen. (Civil code section 607f.) This bill: 1) Reclassifies humane officers into two distinct categories: a) Level 1 humane officers would have peace officer powers while on duty during the enforcement of certain animal cruelty-related crimes. Level 1 officers would be armed only while on duty. They would be required to attend a training course on the powers of arrest. They would have to take 40-hour course in animal training or care. They would also take a 40-hour course every three years. b) Level 2 officers would not be armed, but would have the power to arrest under specified circumstances. They would be required to attend a training course on the powers of arrest. They would have to take 40-hour course in animal training or care. They would also take a 40-hour course every three years. 3) Shifts the responsibility from the corporation to the individual officer for the cost of training. 4) Eliminates the crime of falsely impersonating a humane officer. - continued - AB 1571 Page 3 \_ AB 1571 5) Eliminates the crime of resisting a humane officer. 6) Revokes the authority for humane officers to summon help from bystanders. COMMENTS 1) Purpose. According to the author: Under current law, any group of individuals may incorporate as a humane association and once incorporated, appoint Humane Officers. After a clerical procedure by a court, and a background check by the Department of Justice, the appointee is

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granted law enforcement powers and after completing a gun safety course is permitted to carry a firearm in public. Humane Officers have no public oversight, they are not required to clear any sort of psychological screening prior to their - continued - AB 1571 Page 4 \_ AB 1571 appointment, they have no required gun training other than the completion of the gun safety course, and humane associations are not required to carry liability insurance. 2) Background. The author has reported many abuses of power by humane officers throughout the state. One report in particular has raised concern. On January 17, 1975, the Los Angeles Times reported that federal officials had seized \$100,000 worth of weapons from the Mercy Crusade, Inc. Although no charges had been brought and no laws violated, according to the article, federal agents were suspicious. According to the report, federal agents followed the humane officers from a gun store and were asked to voluntarily surrender their firearms, which they did. A judge denied the agents' requests for search warrants for the homes and business premises. No charges were ever filed against the group, according to the information provided by the author. 3) Potential Effect. This legislation will greatly reduce the authority of humane officers. It will also shift the financial burden of the greatly increased training requirements from the employers to the officers. It is unclear why humane officers need the authority now bestowed upon them by the civil code. It is clear that the law enforcement community is not interested in assuming the duties of humane officers. In larger metropolitan areas, animal control officers employed by county government have been effective in performing the duties of humane officers without the use of firearms. It is unclear what the effect of this bill will be on smaller local government jurisdictions. 4) Other Legislation. AB 295 (Baldwin) provides that certain public officials, to include animal control officers and humane society officers, must report suspected child abuse and/or neglect to a child protective agency. This bill passed out of this committee on March 28, 1995. AB 1221 (Pringle) amends current codes to include equine - continued - AB 1571 Page 5 \_ AB 1571 animals to the types of animals that humane societies are responsible for caring for. This bill was referred to the Committees on Agriculture and Public Safety on March 20, 1995. AB 890 (Rogan) amends the codes that exempts specified peace officers from voir dire in civil or criminal matters to include reserve peace officers. The codes being amended include animal control officers and humane society officers in the definition of the excluded peace officers. This bill was referred to this committee on March 2, 1995. AB 1430 (Kuehl) provides that any person who sets a trap for wildlife or domestic animals must provide notice of said trap to any residence within 500 feet of the trap's location. This bill directly applies to activities regulated by public pounds, humane societies, and animal shelters. It further provides that humane societies, animal shelters, or animal control offices must provide a trapper with the form with which to notify the residences with. AB 632 (Katz) and SB 557 (Campbell) both amend the codes that relate to firearms. Included in these codes being amended are provisions that include humane society officers and animal control officers within the definition of peace officer. SB 557 was set for hearing in the Senate Committee on Criminal Procedure on May 1, 1995. AB 632 passed out of this committee on April 4, 1995. 5) Past Legislation. AB 3545 (Snyder), a bill that is the same as AB 295, was vetoed by the Governor on September 30, 1995. AB 1463 (Bronshvag) adds to the list of animals which must be forfeited by persons who are convicted of animal cruelty equine or other livestock. It provides that peace officers, to include humane society officers and/or animal control officers, will impound the abused animals upon the conviction of the accused. This bill died in the Senate Judiciary Committee on November 30, 1994. - continued - AB 1571 Page 6 \_ AB 1571 SB 665 (Russell) is a bill that was basically the same as AB 3545. It requires certain public officials, to include humane society officers and animal control officers, to report suspected or known child abuse to the appropriate agencies. This bill was chaptered (Chapter 510, Statutes of 1995) by the Secretary of State on September 27, 1995. SB 477 (Craven), Chapter 84, Statutes of 1995, provides that humane officers will receive, in addition to training already required by law, 40 hours of training in animal care. SOURCE: Peace Officer's Research Association of California SUPPORT: None on file OPPOSITION: California Federation For Animal Legislation State Coalition of Probation Organizations Glendale Police Department Contra Costa Humane Society Michael A. Car, Ph.D. One Private Citizen - continued - AB 1571 Page 7

BILL ANALYSIS \_ AB 1571 Page 1 CONCURRENCE IN SENATE AMENDMENTS AB 1571 (Caldera) - As Amended: September 1, 1995 ASSEMBLY VOTE: 54-21 (June 1, 1995) SENATE VOTE: 24-5 (September 6, 1995) COMMITTEE VOTE: 5-0 (Sept. 11, 1995) RECOMMENDATION: Concur Original Committee Reference: PUB. S. DIGEST Existing law: 1) Humane societies are incorporated for the prevention of cruelty to animals. Humane officers employed by these organizations, have specialized police powers, including the power to carry weapons and to make arrests. They have many of the same powers and privileges as peace officers. 2) Humane officers must attend a course on the laws of arrest approved by the Commission on Peace Officer Standards and Training (POST). They must attend a training course at least 40 hours in length,

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pertaining to the care of animals. Humane officers must complete a POST approved course of instructions in firearms in order to carry firearms while on duty. 3) Costs of training a humane officer are borne by the corporation employing the officer. 4) Any person resisting a humane officer in the performance of his or her duty is guilty of a misdemeanor. 5) Any person falsely representing themselves as humane officer is guilty of a misdemeanor. 6) In the event that a humane officer needs assistance in the performance of their duties, they may summon the assistance of a private citizen. \_ AB 1571 Page 2 As passed by the Assembly, this bill: 1) Reclassified humane officers into two distinct categories: a) Level 1 humane officers would have peace officer powers while on duty during the enforcement of certain animal cruelty-related crimes. Level 1 officers would be armed only while on duty and required to receive certain specified training; b) Level 2 officers would not be armed, but would have the power to arrest under specified circumstances and required to receive the same specified training as Level 1 officers receive. c) Humane societies will bear the burden of additional training costs. 2) Left the responsibility with the corporation for the cost of training. The Senate amendments: a) Make it a misdemeanor for any humane society, society for the prevention of cruelty to animals, or person to knowingly provide a court with false or forged documentation for the for the appointment of a humane officer. b) Clarify that humane officers are not peace officers but may exercise peace officer powers of arrest while on duty, if they have completed the requisite training course. c) Reduce the amount of waiting time from one year to six months from the filing of an application to the appointment of humane officers. Requires the appointing entity to provide a certification of insurance to the court with the corporate resolution and application form. d) Reduce the amount of training required for renewal of a humane \_ AB 1571 Page 3 officer's certification. e) Establish a procedure by which the local police chief or sheriff can petition a court for the revocation of a humane officer's certification. f) Shift the date of required training for humane officers from one year after the date of appointment to a date prior to appointment. g) Prescribe certain humane officer uniform specifications. h) Require humane societies and societies for the prevention of cruelty to animals to notify the local sheriff prior to appointing humane officers. Existing societies must advise the sheriff of their intent to continue enforcing laws, no later than March 1, 1996. i) A humane officer's authority extends only within the county in which he or she was appointed. Humane officers may enforce the law in another county only after obtaining permission from the other county's sheriff. The sheriff must respond to the society's request "promptly" and the sheriff must not "unreasonably deny" the request. j) Makes other clarifying changes. FISCAL EFFECT Unknown COMMENTS 1) Many humane societies remain opposed to this bill because of the requirement that humane officers must seek and receive permission from a county sheriff before operating in another county. They argue that the reason they exist is because of the resistance they may potentially have in persuading local law enforcement of the need for enforcement of animal cruelty statutes. They are concerned that a local sheriff may not respond \_ AB 1571 Page 4 to or honor their requests to perform law enforcement duties in an adjacent county. The state Sheriff's Association points out that other law enforcement agencies must notify the local sheriff before operating in an outside county. They argue that law enforcement efforts must be coordinated or officer safety issues arise for all agencies involved. 2) The Senate amendments make many clarifying improvements to the bill. The issue of controversy is the requirement that humane officers receive permission from local sheriff before engaging in law enforcement activities. This provision, while enhancing law enforcement coordination, has the potential of thwarting law enforcement efforts by humane officers in counties hostile to animal cruelty statutes. After examining the pros and cons, the author decided to risk some enforcement efforts in order to ensure officer safety. Analysis prepared by: Donald J. Currier / apubs / 445-3268 FN 020171

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14500. This title extends to all corporations heretofore formed and existing for the prevention of cruelty to children or animals, but do not extend or apply to any association, society, or corporation that uses or specifies a name or style of the same, or substantially the same, as that of any previously existing society or corporation in this state organized for a like purpose.

14501. Every society, incorporated and organized for the prevention of cruelty to animals, or for the prevention of cruelty to children, may, in each city, or city and county, or county, where the society exists, while actively engaged in enforcing the provisions of laws of

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this state, now or hereafter enacted, for the prevention of cruelty to animals, or children, or arresting, or prosecuting offenders thereunder or preventing cruelty to animals or children, be paid as compensation therefor, from the city or county, or city and county general fund, by the board of supervisors or other governing body thereof, a sum not exceeding five hundred dollars (\$500) per calendar month, in the same manner as other claims against said city or county, or city and county, are paid.

14502. (a) (1) (A) (i) On and after July 1, 1996, no entity, other than a humane society or society for the prevention of cruelty to animals, shall be eligible to apply for an appointment of any individual as a level 1 or level 2 humane officer, the duty of which shall be the enforcement of the laws for the prevention of cruelty to animals.

(ii) On and after July 1, 1996, only a person who meets the requirements of this section may be appointed as, or perform the duties of, a humane officer.

(iii) Any person appointed as a humane officer prior to July 1, 1996, may continue to serve as a humane officer until the expiration of the term of appointment only if the appointing agency maintains records pursuant to subparagraph (C) documenting that both the appointing agency and the humane officer meet the requirements of this section.

(B) Each humane society or society for the prevention of cruelty to animals that makes application to the court for the appointment of an individual to act as a level 1 or level 2 humane officer for the humane society or society for the prevention of cruelty to animals shall provide with the application documentation that demonstrates that the person has satisfactorily completed the training requirements set forth in subdivision (i).

(C) Each humane society or society for the prevention of cruelty to animals for which an individual is acting as a level 1 or level 2 humane officer shall maintain complete and accurate records documenting that the individual has successfully completed all requirements established in this section and shall make those records available, upon request, to the superior court, the Attorney General, or any entity duly authorized to review that information, including the State Humane Association of California. The records shall include the full name and address of each level 1 or level 2 humane officer.

(2) Any corporation incorporated for the purpose of the prevention of cruelty to animals that possesses insurance of at least one million dollars (\$1,000,000) for liability for bodily injury or property damage may, six months after the date of its incorporation and by resolution of its board of directors or trustees duly entered on its minutes, appoint any number of persons, who shall be citizens of the State of California, as humane officers, provided that the individuals to be appointed have met the training guidelines set forth in subdivision (i).

(3) Each appointment of a humane officer shall be by separate resolution. The resolution shall state the full name and address of the appointing agency, the full name of the person so appointed, and the fact that he or she is a citizen of the State of California, and shall also designate the number of the badge to be allotted to the officer.

(b) The humane society or society for the prevention of cruelty to

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animals shall recommend any appointee to the judge of the superior court in and for the county or city and county in which the humane society is incorporated, and shall deliver to the judge a copy of the resolution appointing the person, duly certified to be correct by the president and secretary of the corporation and attested by its seal, together with the fingerprints of the appointee taken on standard 8X8-inch cards, proof of the society's proper incorporation in compliance with Part 9 (commencing with Section 10400) of Division 2, a copy of the society's liability for bodily injury or property damage insurance policy in the amount of at least one million dollars (\$1,000,000), and documentation establishing that the appointee has satisfactorily completed the training requirements set forth in this section.

(c) The judge shall send a copy of the resolution, together with the fingerprints of the appointee, to the Department of Justice, which shall thereupon submit to the judge, in writing, a report of the record in its possession, if any, of the appointee. If the Department of Justice has no record of the appointee, it shall so report to the judge in writing.

(d) Upon receipt of the report the judge shall review the matter of the appointee's qualifications and fitness to act as a humane officer and, if he or she reaffirms the appointment, shall so state on a court order confirming the appointment. The appointee shall thereupon file a certified copy of the reviewed court order in the office of the county clerk of the county or city and county and shall, at the same time, take and subscribe the oath of office prescribed for constables or other peace officers.

(e) The county clerk shall thereupon immediately enter in a book to be kept in his or her office and designated "Record of Humane Officers" the name of the officer, the name of the agency appointing him or her, the number of his or her badge, the name of the judge appointing him or her, and the date of the filing. At the time of the filing the county clerk shall collect from the officer a fee of five dollars (\$5), which shall be in full for all services to be performed by the county clerk under this section.

(f) All appointments of humane officers shall automatically expire if the society disbands or legally dissolves. In addition, all appointments of humane officers shall automatically expire within three years from the date on which the certified copy of the court order was filed with the county clerk. Officers whose appointments are about to expire may only be reappointed after satisfactorily completing the continuing education and training set forth in this section.

(g) (1) The corporation appointing an officer may revoke an appointment at any time by filing in the office of the county clerk in which the appointment of the officer is recorded a copy of the revocation in writing under the letterhead of the corporation and duly certified by its executive officer. Upon the filing the county clerk shall enter the fact of the revocation and the date of the filing thereof opposite the name of the officer in the record of humane officers.

(2) Notwithstanding paragraph (1), a revocation hearing may be initiated by petition from any duly authorized sheriff or local police agency or the State Humane Association of California. The petition shall show cause why an appointment should be revoked and shall be made to the superior court in the jurisdiction of the appointment.

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(h) The corporation or local humane society appointing the humane officer shall pay the training expenses of the humane officer attending the training required pursuant to this section.

(i) (1) (A) A level 1 humane officer is not a peace officer, but may exercise the powers of a peace officer at all places within the state in order to prevent the perpetration of any act of cruelty upon any animal and to that end may summon to his or her aid any bystander. A level 1 humane officer may use reasonable force necessary to prevent the perpetration of any act of cruelty upon any animal.

(B) A level 1 humane officer may make arrests for the violation of any penal law of this state relating to or affecting animals in the same manner as any peace officer and may also serve search warrants.

(C) A level 1 humane officer is authorized to carry firearms while exercising the duties of a humane officer, upon satisfactory completion of the training specified in subparagraph (D) and the basic training for a level 1 reserve officer by the Commission on Peace Officer Standards and Training pursuant to Section 13510.1 of the Penal Code.

(D) A level 1 humane officer shall, prior to appointment, provide evidence satisfactory to the appointing agency that he or she has successfully completed courses of training in the following subjects:

(i) At least 20 hours of a course of training in animal care sponsored or provided by an accredited postsecondary institution or any other provider approved by the California Veterinary Medical Association, the focus of which shall be the identification of disease, injury, and neglect in domestic animals and livestock.

(ii) At least 40 hours of a course of training in the state humane laws relating to the powers and duties of a humane officer, sponsored or provided by an accredited postsecondary institution, law enforcement agency, or the State Humane Association of California.

(E) A person may not be appointed as a level 1 humane officer until he or she has satisfied the requirements in Sections 1029, 1030, and 1031 of the Government Code. A humane society or society for the prevention of cruelty to animals shall complete a background investigation, using standards defined by the Commission on Peace Officer Standards and Training as guidelines for all level 1 humane officer appointments.

(F) In order to be eligible for reappointment, a level 1 humane officer shall complete ongoing weapons training and range qualifications at least every six months pursuant to subdivision (s) of Section 830.3 of the Penal Code and shall, every three years, complete 40 hours of continuing education and training relating to the powers and duties of a humane officer, which education and training shall be provided by an accredited postsecondary institution, law enforcement agency, or the State Humane Association of California.

(G) (i) Notwithstanding any other provision of this section, a level 1 humane officer may carry firearms only if authorized by, and only under the terms and conditions specified by, his or her appointing agency.

(ii) Notwithstanding any other provision of this section, a level 1 humane officer shall not be authorized to carry firearms unless and until his or her appointing agency has adopted a policy on the use of deadly force by its officers and the officer has been instructed

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in that policy.

(2) (A) A level 2 humane officer is not a peace officer, but may exercise the powers of a peace officer at all places within the state in order to prevent the perpetration of any act of cruelty upon any animal and to that end may summon to his or her aid any bystander. A level 2 humane officer may use reasonable force necessary to prevent the perpetration of any act of cruelty upon any animal.

(B) A level 2 humane officer may make arrests for the violation of any penal law of this state relating to or affecting animals in the same manner as any peace officer and may serve search warrants during the course and within the scope of employment, upon the successful completion of a course relating to the exercise of the police powers specified in Section 832 of the Penal Code, except the power to carry and use firearms.

(C) A level 2 humane officer is not authorized to carry firearms.

(D) A level 2 humane officer shall, prior to appointment, provide evidence satisfactory to the appointing agency that he or she has successfully completed courses of training in the following subjects:

(i) At least 20 hours of a course of training in animal care sponsored or provided by an accredited postsecondary institution or any other provider approved by the California Veterinary Medical Association, the focus of which is the identification of disease, injury, and neglect in domestic animals and livestock.

(ii) At least 40 hours of a course of training in the state humane laws relating to the powers and duties of a humane officer, sponsored or provided by an accredited postsecondary institution, law enforcement agency, or the State Humane Association of California.

(E) In order to be eligible for reappointment, a level 2 humane officer shall, every three years, complete 40 hours of continuing education and training relating to the powers and duties of a humane officer, which education and training shall be provided by an accredited postsecondary institution, law enforcement agency, or the State Humane Association of California.

(j) Every humane officer shall, when making an arrest, exhibit and expose a suitable badge to be adopted by the corporation under this title of which he or she is a member which shall bear its name and a number. Uniforms worn by humane officers shall prominently display the name of the appointing agency. Humane officer uniforms shall not display the words "state" or "California," unless part of the appointing agency's incorporated name.

(k) Any person resisting a humane officer in the performance of his or her duty as provided in this section, is guilty of a misdemeanor. Any person who has not been appointed and qualified as a humane officer as provided in this section, or whose appointment has been revoked as provided in this section, or whose appointment, having expired, has not been renewed as provided in this section, who shall represent himself or herself to be or shall attempt to act as an officer shall be guilty of a misdemeanor.

(l) No humane officer shall serve a search warrant without providing prior notice to local law enforcement agencies operating within that jurisdiction.

(m) Any humane society, society for the prevention of cruelty to animals, or person, who knowingly provides a court with false or forged documentation for the appointment of a humane officer, is guilty of a misdemeanor and shall be punished by a fine of up to ten

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thousand dollars (\$10,000).

(n) A humane society or a society for the prevention of cruelty to animals shall notify the sheriff of the county in which the society is incorporated, prior to appointing a humane officer, of the society's intent to enforce laws for the prevention of cruelty to animals.

Humane societies or societies for the prevention of cruelty to animals incorporated and enforcing animal cruelty laws prior to January 1, 1996, that intend to continue to enforce those laws, shall notify the sheriff of the county in which the society is incorporated by March 1, 1996.

(o) Except as otherwise provided by this section, a humane officer shall serve only in the county in which he or she is appointed. A humane officer may serve temporarily in a county other than that in which he or she is appointed if the humane officer gives notice requesting consent to the sheriff of the county in which he or she intends to serve, and acquires consent from the sheriff of the county in which he or she intends to serve, or from a person authorized by the sheriff to give that consent. A sheriff shall promptly respond to any request by a humane officer to serve in his or her jurisdiction and any request shall not be unreasonably denied.

14503. The governing body of a local agency, by ordinance, may authorize employees of public pounds, societies for the prevention of cruelty to animals, and humane societies, who have qualified as humane officers pursuant to Section 14502, and which societies or pounds have contracted with such local agency to provide animal care or protection services, to issue notices to appear in court pursuant to Chapter 5c (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code for violations of state or local animal control laws.

Those employees shall not be authorized to take any person into custody even though the person to whom the notice is delivered does not give his or her written promise to appear in court. The authority of these employees is to be limited to the jurisdiction of the local agency authorizing the employees.

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## **CORPORATIONS CODE SECTION 10400-10406**

10400. Corporations for the prevention of cruelty to children or animals, or both, may be formed under the Nonprofit Public Benefit Corporation Law, Part 2 (commencing with Section 5110) of this division by 20 or more persons, who shall be citizens and residents of this state.

10401. All articles of incorporation of such corporations filed with the Secretary of State shall be endorsed by the Department of Justice or by a judge of the superior court of the county in which the principal office of the corporation is located, as evidence of necessity.

10402. The endorsement of a judge of the superior court shall not be granted, however, unless the endorsement of the Department of Justice has been first refused or withheld for more than 90 days. If the endorsement of the Department of Justice is withheld for more

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than 90 days, or refused, application may be made to the judge of the superior court of the county in which the principal office of the corporation is located, and if, after giving due consideration to the necessity of such corporation and assuring himself that the incorporators are acting in good faith, the judge so desires, he may endorse the articles.

10403. Every such corporation may take by gift, purchase, devise, or bequest, any property, real or personal, and hold it or dispose thereof at its pleasure; but no such corporation shall hold real property the annual income of which exceeds fifty thousand dollars (\$50,000).

10404. Any such corporation, or any member or officer thereof, may prefer a complaint against any person, before any court or magistrate having jurisdiction, for the violation of any law relating to or affecting children or animals, and may aid in the prosecution of any such offender before such court or magistrate.

10405. All magistrates, sheriffs, and officers of police shall, as occasion may require, aid any such corporation, its officers, members, and agents, in the enforcement of all laws relating to or affecting children or animals.

10406. This part applies to all corporations for the prevention of cruelty to children or animals, whether formed prior to or after May 20, 1905, but does not apply to any association, society, or corporation which uses or specifies a name or style the same, or substantially the same, as that of any previously existing society or corporation in this State organized for a like purpose.