

CALIFORNIA FOOD AND AGRICULTURAL CODE, DIVISION 14, CHAPTER 3 SECTION 30801-30807 currently has sections 30804.5 and 30804.7. SB 250 would add a new section 30804.6 between these existing provisions. Section 30804.7 was enacted in 1998 as part of AB 1845 by then Assembly Member Edward Vincent. AB 1856 was introduced as prohibiting transfer of any dog or cat by anyone before sterilization, but was amended to only cover sterilization by animal control agencies, shelters and rescues, and only add surcharges to local fines for multiple impounds of unaltered dogs, i.e. 30804.7. 30801-30304. As Amended April 21, May 5, May 28 and August 31, SB 250 limits a section only to dogs. Cats are not included in Chapter 3 at all but are regulated separately in Division 14.5, Chapters 1 and 2. As Amended April 21, May 5, May 28 and August 31 by SB 250, a new Section 31751.4 would be added to Division 14.15, Chapter 1, Regulation of Cats Generally. As amended August, 2010, references in both the dog and cat provisions are made to Food & Ag Code Sections 31622-31624, title blue highlighted below. This is new to the bill and was developed in 1989 Senate Bill 428 enacting Chapter 9, Potentially Dangerous and Vicious Dogs.

DIVISION 14. REGULATION AND LICENSING OF DOGS	
CHAPTER 1. GENERAL PROVISIONS	30501-30504
CHAPTER 1.5. SPECIAL PROVISIONS APPLICABLE TO COUNTIES WITH A POPULATION OF LESS THAN 100,000 PERSONS	30520-30525
CHAPTER 2. DISPOSITION OF FUNDS	30651-30656
CHAPTER 3. DOG TAGS	30801-30807
CHAPTER 3.5. GUIDE DOGS, SIGNAL DOGS, AND SERVICE DOGS	30850-30854
CHAPTER 4. REGULATION	30951-30956
CHAPTER 5. KILLING AND SEIZURE	
Article 1. Generally	31101-31109
Article 2. Optional Provisions	31151-31153
CHAPTER 6. FEES FOR IMPOUNDING	31251-31255
CHAPTER 7. VIOLATIONS	31401-31402
CHAPTER 8. CIVIL LIABILITY	31501-31508
CHAPTER 9. POTENTIALLY DANGEROUS AND VICIOUS DOGS	
Article 1. Findings, Definitions, and General Provisions	31601-31609
Article 2. Judicial Process	31621-31626
Article 3. Disposition of Potentially Dangerous or Vicious Dogs	31641-31646
Article 4. Penalties	31662-31663
Article 5. Miscellaneous	31681-31683
DIVISION 14.5. REGULATION OF CATS	
CHAPTER 1. REGULATION OF CATS GENERALLY	31751-31754
CHAPTER 2. SPECIAL PROVISIONS APPLICABLE TO COUNTIES WITH A POPULATION OF LESS THAN 100,000 PERSONS	31760-31765

NOTE: The purpose of integrated text documents is to understand a proposed bill in the context of existing law. Consistent with this goal, the August 31, 2009 amended language was been formatted to include ONLY the language of the current bill and not the changes from the introduced version which is now irrelevant. The bill ONLY added one new section to existing law, not changing any existing

statutory language. Since nearly a year has passed, the August 2010 amendments are formatted to distinguish these changes within the bill and statutory context.

30801. (a) A board of supervisors may provide for the issuance of serially numbered metallic dog licenses pursuant to this section. The dog licenses shall be stamped with the name of the county and the year of issue.

(b) The board of supervisors or animal control department may authorize veterinarians to issue the licenses to owners of dogs who make application.

(c) The licenses shall be issued for a period of not to exceed two years.

(d) In addition to the authority provided in subdivisions (a), (b), and (c), a license may be issued, as provided by this section, by a board of supervisors for a period not to exceed three years for dogs that have attained the age of 12 months, or older, and who have been vaccinated against rabies. The person to whom the license is to be issued pursuant to this subdivision may choose a license period as established by the board of supervisors of up to one, two, or three years. However, when issuing a license pursuant to this subdivision, the license period shall not extend beyond the remaining period of validity for the current rabies vaccination.

30802. Each application for a dog license tag shall state the age, sex, color, and breed of the dog for which the license is desired and the address of the owner.

30803. (a) The animal control department shall endorse upon the application for a dog license tag the number of the license tag issued.

(b) All applications that have been endorsed shall be kept on file in the office of the animal control department open to public inspection.

30804. The fee for the issuance of the dog license tag is fifty cents (\$0.50). The board of supervisors may, however, increase the fee.

30804.5. Whenever dog license tags are issued pursuant to this division, any such tag shall be issued for one-half or less of the fee required for a dog, if a certificate is presented from a licensed veterinarian that the dog has been spayed or neutered.

SB 250 OPERATIVE PROVISIONS - SECTION 1. Section 30804.6 is added to the Food and Agricultural Code, to read:

(a)

(1) Every dog owner shall secure a license for the dog pursuant to Section 30801, Section 121690 of the Health and Safety Code , or as required by the local licensing agency.

(2) No person shall own, keep, or harbor an unsterilized dog in violation of this section.

(3) An owner or custodian of an unsterilized dog shall have the dog sterilized by the age of six months, obtain a certificate of sterility, or, as provided for by ordinance of the responsible city, county, or city and county, obtain an unaltered dog license in accordance with this section. The responsible city, county, or city and county shall issue the unaltered dog license consistent with Section 30804.5.

(4) This subdivision shall not apply to a dog with a high likelihood, due to age or infirmity, of suffering serious bodily harm or death if surgically sterilized. The owner or custodian shall obtain written confirmation of this fact from a veterinarian licensed in this state. If the dog is able to be sterilized at a later date, that date shall be stated in the written confirmation. If the date for sterilization in the written confirmation is more than 30 days after the date that the owner or custodian receives that confirmation, the owner or custodian shall apply for an unaltered dog license pursuant to any applicable city, city and county, or county ordinance.

(b) The licensing agency shall utilize its existing procedures or may establish procedures for the denial or revocation of an unaltered dog license and may deny or revoke a license for one or more of the following reasons:

(1) The owner, custodian, applicant or licensee is not in compliance with all of the requirements of this section.

(2) The owner, custodian, applicant, or licensee has violated a state law, or a city, county, or other local governmental provision relating to the care and control of animals.

(3) Any unaltered dog license held by the applicant has been revoked for violating a state law, or a city, county, or other local government provision relating to the care or control of animals.

(4) The license application is discovered to contain a material misrepresentation or omission of fact.

(5) In any case in which the owner or custodian of a dog with an unaltered dog license is cited for permitting the dog to roam at large, the license of the dog shall not be subject to revocation for a first violation, if at the time the dog roams at large the dog possesses a current license pursuant to Section 30801, Section 121690 of the Health and Safety Code, or as required by the local licensing agency.

(c) The licensing agency shall utilize its existing procedures or may establish procedures for any appeal of a denial or revocation ~~of an unaltered dog license, which appeal procedure may include written notice of the denial or revocation and a reasonable opportunity for the owner or custodian to respond.~~ of an unaltered dog license. The appeal procedures shall be consistent with those provided in Sections 31622 to 31624, inclusive.

(d) The licensing agency may assess a fee for the procedures related to the issuance, denial, or revocation of an unaltered dog license consistent with this chapter.

(e) An owner or custodian who offers any unsterilized dog for sale, trade, or adoption shall notify the licensing agency of the name and address of the transferee within 10 days after the transfer. Any existing unaltered dog's license number and microchip number for the dog shall appear on the document transferring ownership of the dog to the new owner.

(f)

(1) Any authorized penalty may be imposed upon an owner or custodian of an unlicensed, unaltered dog for a violation of this section only if the owner or custodian has concurrently violated one or more of the following:

(A) Permitting the subject dog to roam at large.

(B) Failure to provide adequate care for the subject dog in violation of animal cruelty provisions.

(C) Rabies quarantine violations for the subject dog.

(D) Fighting dog activity in violation of Section 597.5 of the Penal Code.

(E) Failure to comply with the local jurisdiction's requirements for the keeping of a dog that has been adjudicated by a court or an agency of appropriate jurisdiction to be potentially dangerous, dangerous, or vicious.

(F) Failure to possess an unaltered dog license.

(2) Any owner or custodian of an unaltered dog who is found to be subject to a penalty under paragraph (1) shall be required to surgically sterilize the unaltered animal in accordance with this section and shall provide the licensing agency written verification from a licensed veterinarian that the subject dog has been sterilized . ~~The licensing agency may utilize procedures as they exist on the effective date of this section for any appeal of this requirement.~~ The owner or custodian may appeal the penalty pursuant to procedures established by the city or county, as applicable, or, if the local government has not provided for an administrative hearing procedure, the superior court of the jurisdiction where the violation is alleged to have been committed. The appeal procedures shall be consistent with those provided in Sections 31622 to 31624, inclusive.

(3) At the time a citation is issued pursuant to paragraph (1) or (2), the licensing agency may provide the owner or custodian information as to the availability of sterilization services for free or at a reduced cost. The licensing agency may waive the fines or fees associated with the penalties under paragraph (1) if the owner or custodian qualifies to be placed on a waiting list for free or low-cost sterilization services.

(g) If an unlicensed unaltered dog is impounded pursuant to state or local law, in addition to satisfying applicable requirements for the release of the animal, including, but not limited to, payment of impound fees pursuant to this section, the owner or custodian shall also do one of the following:

(1) Provide written proof of the dog's prior sterilization, if conditions cannot or do not make this assessment obvious to the licensing agency personnel.

(2) Have the dog surgically sterilized by a veterinarian associated with the licensing agency at the expense of the owner or custodian. That expense may include additional fees due to any extraordinary care required.

(3) Have the dog surgically sterilized by another veterinarian licensed in this state.

(4) At the discretion of the licensing agency, the dog may be released to the owner or custodian if he or she pays a refundable deposit consistent with existing practices and procedures, or signs a statement under penalty of perjury representing that the dog will be surgically sterilized and that he or she will submit a statement by the deadline set by the licensing agency, but in no case less than 10 days after the release, signed by the veterinarian, confirming that the dog has been surgically sterilized or is incapable of breeding.

(5) The licensing agency may, at its discretion, waive any impoundment fee, cost, or fine, if upon the first impoundment the owner or custodian of the unlicensed unaltered dog does both of the following:

(A) Secures a license for the subject dog pursuant to Section 30801, Section 121690 of the Health and Safety Code, or as required by the local licensing agency.

(B) Sterilizes the subject dog in accordance with this section.

(h) The licensing agency may impose any existing fine or penalty, consistent with this chapter, against the owner or custodian of the subject dog for failure to provide any required sterilization information, including any denial of an unaltered license. The licensing agency may utilize procedures as they exist on the effective date of this section that are consistent with Sections 31622 to 31624, inclusive, for any appeal of this requirement.

(i) The owner or custodian of the unaltered dog shall be responsible for the established costs of impoundment, which may include daily board costs, vaccination, medication, and any other diagnostic or therapeutic applications as required by this section. The owner or custodian shall comply with any additional impoundment procedures. Any fee that may be imposed pursuant to subdivision (h) shall be applicable to an owner or custodian who surrenders a dog that is subject to this section, if the owner or custodian fails to otherwise comply with applicable provisions of this section.

(j) All costs and fines collected under this section and the fees collected under subdivision (i) shall be paid to the licensing agency for the purpose of defraying the cost of the implementation and enforcement of this section.

(k) This section shall not be construed to prevent any local governing body from adopting requirements that are more stringent than those set forth in this section.

(l) Nothing in this section shall apply to any of the following, provided the subject dog is licensed pursuant to Section 30801, Section 121690 of the Health and Safety Code, or as required by the local licensing agency:

(1) Any owner or breeder of a dog used in the business of shepherding, herding, or guarding livestock.

(2) Any owner or breeder of a dog used in the business of cultivating agricultural products.

(3) Any owner or breeder of a dog used for hunting or for purposes of field trials, provided the owner or breeder has lawfully purchased a hunting license as provided in Section 3031 of the Fish and Game Code.

(4) Any owner or trainer of a guide dog, signal dog, or service dog, as defined in subdivisions (d), (e), and (f) of Section 365.5 of the Penal Code or Section 54.1 of the Civil Code.

(5) Any owner or trainer of a peace officer's or firefighter's dog, as defined in Section 54.25 of the Civil Code.

(m) For the purposes of this section, the following terms have the following meanings:

(1) "Licensing agency" means the municipal city or county animal control agency or other entity responsible for enforcing laws relating to animals.

(2) "Custodian" means any person who undertakes the personal care and control of a dog, or any person who intentionally provides care, security, or sustenance for a dog on the person's property for any period exceeding 30 days. "Custodian" does not include a licensing agency.

(3) "Sterilize" means to permanently eliminate the ability of a dog to reproduce by removing the sex organs or preventing them from functioning.

(4) "Unaltered dog license" means a dog license that must be issued at full cost by the licensing agency pursuant to Section 30801 unless a certificate is presented from a licensed veterinarian that establishes that the dog has been sterilized.

NOTE: Bill section only:

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

30804.7. (a) The owner of a nonspayed or unneutered dog that is impounded once by a city or county animal control agency or shelter, society for the prevention of cruelty to animals, or humane society, shall be fined thirty-five dollars (\$35) on the first occurrence, fifty dollars (\$50) on the second occurrence, and one hundred dollars (\$100) for the third or subsequent occurrence. These fines are for unneutered impounded animals only, and are not in lieu of any fines or impound fees imposed by any individual city, county, public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter.

(b) An animal control officer, humane officer, police officer, peace officer, or any agency authorized to enforce the Penal Code may write citations with a civil penalty stated in an amount corresponding to the violation as provided in subdivision (a). The fines shall be paid to the local municipality or public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter. Any funds collected under this section shall be expended for the purpose of humane education, programs for low cost spaying and neutering of dogs, and any additional costs incurred by the public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group in the administration of the requirements of this division.

(c) This section applies to each county and cities within each county, regardless of population.

(d) No city or county, society for the prevention of cruelty to animals, or humane society is subject to any civil action by the owner of a dog that is spayed or neutered in accordance with this section.

30805. The board of supervisors shall fix the compensation of the animal control department for issuing dog license tags.

30807. Any licensed kennel may be exempted pursuant to regulation or ordinance from any requirement to obtain a license tag for each dog within the kennel.

Reference FOOD AND AGRICULTURAL CODE SECTION 31621-31626

31621. If an animal control officer or a law enforcement officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous or vicious, the chief officer of the public pound or animal control department or his or her immediate supervisor or the head of the local law enforcement agency, or his or her designee, shall petition the superior court of the county wherein the dog is owned or kept for a hearing for the purpose of determining whether or not the dog in question should be declared potentially dangerous or vicious. A proceeding under this section is a limited civil case. A city or county may establish an administrative hearing procedure to hear and dispose of petitions filed pursuant to this chapter. Whenever possible, any complaint

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received from a member of the public which serves as the evidentiary basis for the animal control officer or law enforcement officer to find probable cause shall be sworn to and verified by the complainant and shall be attached to the petition. The chief officer of the public pound or animal control department or head of the local law enforcement agency shall notify the owner or keeper of the dog that a hearing will be held by the superior court or the hearing entity, as the case may be, at which time he or she may present evidence as to why the dog should not be declared potentially dangerous or vicious. The owner or keeper of the dog shall be served with notice of the hearing and a copy of the petition, either personally or by first-class mail with return receipt requested. The hearing shall be held promptly within no less than five working days nor more than 10 working days after service of notice upon the owner or keeper of the dog. The hearing shall be open to the public. The court may admit into evidence all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses. A jury shall not be available. The court may find, upon a preponderance of the evidence, that the dog is potentially dangerous or vicious and make other orders authorized by this chapter.

31622. (a) After the hearing conducted pursuant to Section 31621, the owner or keeper of the dog shall be notified in writing of the determination and orders issued, either personally or by first-class mail postage prepaid by the court or hearing entity. If a determination is made that the dog is potentially dangerous or vicious, the owner or keeper shall comply with Article 3 (commencing with Section 31641) in accordance with a time schedule established by the chief officer of the public pound or animal control department or the head of the local law enforcement agency, but in no case more than 30 days after the date of the determination or 35 days if notice of the determination is mailed to the owner or keeper of the dog. If the petitioner or the owner or keeper of the dog contests the determination, he or she may, within five days of the receipt of the notice of determination, appeal the decision of the court or hearing entity of original jurisdiction. The fee for filing an appeal, payable to the clerk of the court, is as provided in subdivision (b) of Section 70626 of the Government Code. If the original hearing held pursuant to Section 31621 was before a hearing entity other than a court of the jurisdiction, appeal shall be to the superior court. If the original hearing was held in the superior court, appeal shall be to the superior court before a judge other than the judge who originally heard the petition. The petitioner or the owner or keeper of the dog shall serve personally or by first-class mail, postage prepaid, notice of the appeal upon the other party.

(b) The court hearing the appeal shall conduct a hearing de novo, without a jury, and make its own determination as to potential danger and viciousness and make other orders authorized by this chapter, based upon the evidence presented. The hearing shall be conducted in the same manner and within the time periods set forth in Section 31621 and subdivision (a). The court may admit all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses. The issue shall be decided upon the preponderance of the evidence. If the court rules the dog to be potentially dangerous

or vicious, the court may establish a time schedule to ensure compliance with this chapter, but in no case more than 30 days subsequent to the date of the court's determination or 35 days if the service of the judgment is by first-class mail.

31623. The court or hearing entity of original jurisdiction or the court hearing the appeal may decide all issues for or against the owner or keeper of the dog even if the owner or keeper fails to appear at the hearing.

31624. The determination of the court hearing the appeal shall be final and conclusive upon all parties.

31625. (a) If upon investigation it is determined by the animal control officer or law enforcement officer that probable cause exists to believe the dog in question poses an immediate threat to public safety, then the animal control officer or law enforcement officer may seize and impound the dog pending the hearings to be held pursuant to this article. The owner or keeper of the dog shall be liable to the city or county where the dog is impounded for the costs and expenses of keeping the dog, if the dog is later adjudicated potentially dangerous or vicious.

(b) When a dog has been impounded pursuant to subdivision (a) and it is not contrary to public safety, the chief animal control officer shall permit the animal to be confined at the owner's expense in a department approved kennel or veterinary facility.

31626. (a) No dog may be declared potentially dangerous or vicious if any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime. No dog may be declared potentially dangerous or vicious if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault. No dog may be declared potentially dangerous or vicious if an injury or damage was sustained by a domestic animal which at the time the injury or damage was sustained was teasing, tormenting, abusing, or assaulting the dog.

(b) No dog may be declared potentially dangerous or vicious if the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog.

REFERENCE – SEPARATE DIVISION GOVERNS CATS FOOD AND AGRICULTURAL CODE SECTION 31751-31754

DIVISION 14.5. REGULATION OF CATS

CHAPTER 1. REGULATION OF CATS GENERALLY 31751-31754

31751. For the purposes of this division, each member of a litter of kittens, weaned or unweaned, shall be treated as an individual animal.

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31751.3. (a) (1) Except as otherwise provided in subdivision (b), no public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group shall sell or give away to a new owner any cat that has not been spayed or neutered.

(2) For the purposes of this section, a "rescue group" is a for-profit or not-for-profit entity, or a collaboration of individuals with at least one of its purposes being the sale or placement of cats that have been removed from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane shelter or that have been previously owned by any person other than the original breeder of that cat.

(b) (1) If a veterinarian licensed to practice veterinary medicine in this state certifies that a cat is too sick or injured to be spayed or neutered, or that it would otherwise be detrimental to the health of the cat to be spayed or neutered, the adopter or purchaser shall pay the public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group a deposit of not less than forty dollars (\$40), and not more than seventy-five dollars (\$75).

(2) The entity shall establish the amount of the deposit at the level it determines is necessary to encourage the spaying or neutering of cats.

(3) The deposit shall be temporary, and shall only be retained until the cat is healthy enough to be spayed or neutered, as certified by a veterinarian licensed to practice veterinary medicine in this state.

(4) The cat shall be spayed or neutered within 14 business days of that certification.

(5) The adopter or purchaser shall obtain written proof of spaying or neutering from the veterinarian performing the operation.

(6) If the adopter or purchaser presents proof of spaying or neutering to the entity from which the cat was obtained within 30 business days of obtaining the proof, the adopter or purchaser shall receive a full refund of the deposit.

(c) Public animal control agencies or shelters, society for the prevention of cruelty to animals shelters, humane society shelters, and rescue groups may enter into cooperative agreements with each other and with veterinarians in lieu of requiring spaying and neutering deposits to carry out this section.

(d) Any funds from unclaimed deposits made pursuant to this section, as it read on January 1, 1999, and any funds from deposits unclaimed after January 1, 2000, may be expended only for programs to spay or neuter cats and dogs, including agreements with a society for the prevention of cruelty to animals or a humane society or licensed veterinarian, to operate a program to spay or neuter cats and dogs.

(e) This section only applies to a county that has a population exceeding 100,000 persons as of January 1, 2000, and to cities within that county.

SB 250, [SECTION 2. Section 31751.4 is added to the Food and Agricultural Code, to read:]

(a)

.. (1) It is unlawful for any person who owns, keeps, or harbors any unsterilized cat six months of age or older to allow or permit that unsterilized cat to roam at large.

(2) An owner or custodian of an unsterilized cat who permits that cat to roam at large shall have the animal sterilized, or obtain a certificate of sterility.

(3) This subdivision shall not apply to a cat with a high likelihood, due to age or infirmity, of suffering serious bodily harm or death if sterilized. The owner or custodian shall obtain written confirmation of this fact from a veterinarian licensed in this state. If the cat is able to be sterilized at a later date, that date shall be stated in the written confirmation.

(b) An owner or custodian who offers any unsterilized cat for sale, trade, or adoption shall notify the licensing agency, if the jurisdiction requires the licensing of cats, of the name and address of the transferee within 10 days after the transfer. Any existing microchip or license number for the cat shall appear on a document transferring ownership of the cat to the new owner.

(c) If an unaltered cat is impounded pursuant to state or local law, in addition to satisfying applicable requirements for the release of the animal, including, but not limited to, payment of impound fees pursuant to this section, the owner or custodian shall also do one of the following:

(1) Provide written proof of the cat's prior sterilization, if conditions cannot or do not make this assessment obvious to the licensing agency personnel.

(2) Have the cat surgically sterilized by a veterinarian associated with the licensing agency at the expense of the owner or custodian. That expense may include additional fees due to any extraordinary care required.

(3) Have the cat surgically sterilized by another veterinarian licensed in this state.

(4) At the discretion of the licensing agency, the cat may be released to the owner or custodian if he or she pays a refundable deposit consistent with existing practices and procedures, or signs a statement under penalty of perjury representing that the cat will be surgically sterilized and that he or she will submit a statement by the deadline set by the licensing agency, but in no case less than 10 days after the release, signed by the veterinarian, confirming that the cat has been surgically sterilized or is incapable of *breeding*.

(d) If an owner or custodian is required to have the cat surgically sterilized pursuant to subdivision (c), the owner or custodian shall provide the licensing agency written verification from a licensed veterinarian that the subject cat has been sterilized. The licensing agency may impose a penalty pursuant to Section 30804.7 not to exceed one hundred dollars (\$100) per day, in addition to any other existing penalty which may be imposed consistent with this chapter, against the owner or custodian if the owner or custodian fails to provide the required sterilization information. The licensing agency may utilize procedures as they exist on the effective date of this

section that are consistent with Sections 31622 to 31624, inclusive, for any appeal of this requirement.

(e) The owner or custodian of the unaltered cat shall be responsible for the established costs of impoundment, which may include daily board costs, vaccination, medication, and any other diagnostic or therapeutic applications as required by this section. The owner or custodian shall comply with any additional impoundment procedures. Any fee that may be imposed pursuant to this section shall be applicable to an owner or custodian who surrenders a cat that is subject to this section if the owner or custodian fails to otherwise comply with applicable provisions of this section.

(f) All costs and fines collected under this section and the fees collected under subdivision (e) shall be paid to the licensing agency for the purpose of defraying the cost of the implementation and enforcement of this section.

(g) This section shall not be construed to prevent any local governing body from adopting requirements that are more stringent than those set forth in this section.

(h) For the purposes of this section, the following terms have the following meanings:

(1) "Custodian" means any person who undertakes the personal care and control of a cat, or any person who intentionally provides care, security, or sustenance for a cat on the person's property for any period exceeding 30 days. "Custodian" does not include a licensing agency.

(2) "Licensing agency" means the municipal city or county animal control agency or other entity responsible for enforcing laws relating to animals.

(3) "Sterilize" means to permanently eliminate the ability of a cat to reproduce by removing the sex organs or preventing them from functioning.

NOTE: Bill section only:

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

31751.5. Whenever a city or county requires cat license tags, any such tag shall be issued for one-half or less of the fee required for a cat, if a certificate is presented from a licensed veterinarian that the cat has been spayed or neutered.

31751.6. Any licensed cattery may be exempted pursuant to regulation or ordinance from any requirement to obtain a license tag for each cat within the cattery.

August 18, 2010 amendments to CA SB 250 (as amended 8/31/09), Integrated with existing statute with strike-through/underscore formatting showing amendments.

31751.7. (a) The owner of a nonspayed or unneutered cat that is impounded once by a city or county animal control agency or shelter, society for the prevention of cruelty to animals, or humane society, shall be fined thirty-five dollars (\$35) on the first occurrence, fifty dollars (\$50) on the second occurrence, and one hundred dollars (\$100) for the third or subsequent occurrence. These fines are for unneutered impounded animals only, and are not in lieu of any fines or impound fees imposed by any individual city, county, public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter.

(b) An animal control officer, humane officer, police officer, peace officer, or any agency authorized to enforce the Penal Code may write citations with a civil penalty stated in an amount corresponding to the violation as provided in subdivision (a). The fines shall be paid to the local municipality or public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter. Any funds collected under this section shall be expended for the purpose of humane education, programs for low cost spaying and neutering of cats, and any additional costs incurred by the animal shelter in the administration of the requirements of this division.

(c) Local ordinances concerning the adoption or placement procedures of any public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group shall be at least as restrictive as this division.

(d) This section applies to each county and cities within each county, regardless of population.

(e) No city or county, society for the prevention of cruelty to animals, or humane society is subject to any civil action by the owner of a cat that is spayed or neutered in accordance with this section.

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

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

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

Except as provided in Sections 17006 and 31752.5, stray cats shall be held for owner redemption during the first three 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.

(b) Except as provided in Section 17006, any stray cat that is impounded pursuant to this division shall, prior to the euthanasia of that animal, be released to a nonprofit, as defined in Section 501

(c) (3) of the Internal Revenue Code, animal rescue or adoption

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organization if requested by the organization prior to the scheduled euthanasia of that animal. 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 public or private shelter may enter into cooperative agreements with any animal rescue or adoption organization.

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

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

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

31752.5. (a) The Legislature finds and declares the following:

(1) Domestic cats' temperaments range from completely docile indoor pets to completely unsocialized outdoor cats that avoid all contact with humans.

(2) "Feral cats" are cats with temperaments that are completely unsocialized, although frightened or injured tame pet cats may appear to be feral.

(3) Some people care for or own feral cats.

(4) Feral cats pose particular safety hazards for shelter employees.

(5) It is cruel to keep feral cats caged for long periods of time; however, it is not always easy to distinguish a feral cat from a frightened tame cat.

(b) For the purposes of this section, a "feral cat" is defined as a cat without owner identification of any kind whose usual and consistent temperament is extreme fear and resistance to contact with people. A feral cat is totally unsocialized to people.

(c) Notwithstanding Section 31752, if an apparently feral cat has not been reclaimed by its owner or caretaker within the first three days of the required holding period, shelter personnel qualified to verify the temperament of the animal shall verify whether it is feral or tame by using a standardized protocol. If the cat is determined to be docile or a frightened or difficult tame cat, the cat shall be held for the entire required holding period specified in Section 31752. If the cat is determined to be truly feral, the cat may be euthanized or relinquished to a nonprofit, as defined in Section 501 (c)(3) of the Internal Revenue Code, animal adoption organization that agrees to the spaying or neutering of the cat if it has not already been spayed or neutered. 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 the animal released.

August 18, 2010 amendments to CA SB 250 (as amended 8/31/09), Integrated with existing statute with strike-through/underscore formatting showing amendments.

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

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

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

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