

BILL NUMBER: SB 1806 AMENDED IN SENATE, April 24, 2006
INTRODUCED BY Senator Figueroa

BILL NUMBER: SB 1806 AMENDED BILL TEXT
 AMENDED IN SENATE APRIL 24, 2006
 AMENDED IN SENATE APRIL 6, 2006
 AMENDED IN SENATE MARCH 27, 2006
INTRODUCED BY Senator Figueroa
 (Principal coauthor: Assembly Member Levine)

FEBRUARY 24, 2006

An act to add Section 597.7 to the Penal Code, ~~and to amend Section 23117 of the Vehicle Code,~~ relating to animals.

NOTE: THIS IS A GUT & AMEND BILL, ORIGINALLY WRITTEN AS A TRAPPING BILL, INTRODUCED ON FEBRUARY 24 AND ASSIGNED TO THE SENATE WATER, PARKS & WILDLIFE COMMITTEE. ON MARCH 27, IT WAS ENTIRELY NEW SUBJECT MATTER - ANIMALS IN VEHICLES- WAS AMENDED INTO THE BILL WHICH WAS THEN RE-ASSIGNED TO THE SENATE COMMITTEE ON PUBLIC SAFETY WHICH HAS JURISDICTION OVER BILLS INVOLVING THE CALIFORNIA PENAL CODE. FOR EASE OF READING, ONLY THE CURRENT BILL TEXT IS INCLUDED BELOW. The amended bill has now been amended twice. The April 24 amendments retain codification of extensive findings, require making a "reasonable" effort to notify the person responsible for the vehicle, delete amendment to the Vehicle Code, reduce the amounts of fines due to criticism of the actually much higher amounts in respect of penalty surcharges for Penal Code fines, added "humane officer" to referenced law enforcement personnel (Corporations Code Section 14500 et seq.), added a statement that this bill does not change any existing immunities or liabilities and re-created a bounty provision to allocate 50% of fines to "education" about leaving animals in vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1806, as amended, Figueroa Animals: abuse.

Existing law provides that any person who subjects any animal to needless suffering, or inflicts unnecessary cruelty upon an animal, or in any manner abuses any animal or fails to provide an animal with proper food, drink, or shelter or protection from the weather is guilty of a crime punishable by a fine not exceeding \$20,000, imprisonment in a county jail, imprisonment in the state prison, or both fine and imprisonment.

This bill would state findings and declarations regarding the consequences of leaving companion animals unattended inside closed vehicles in the heat. This bill would provide that leaving or confining an animal in any unattended motor vehicle under conditions

that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal is a crime punishable by a fine, imprisonment in a county jail, or both fine and imprisonment, as specified. Because this bill would create a new crime, this bill would impose a state-mandated local program.

~~Existing law provides that no person driving a motor vehicle shall transport any animal in the back of the vehicle in a space that is intended for any load on the vehicle on a highway, except as specified.~~

~~This bill would expand these provisions to any driver regardless of whether he or she is traveling on a highway. Because a violation of these provisions is an infraction, this bill would expand the definition of a crime and therefore impose a state mandated local program.~~

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:

SECTION 1. ~~Section 597.7 is added to the Penal Code~~, to read:

~~597.7. (a)~~

The Legislature finds and declares all of the following:

~~(1)~~

(a) Leaving companion animals unattended inside closed vehicles in the heat, even for short periods of time, has caused severe injury and death to animals.

~~(2)~~

(b) Moderately warm temperatures outside can quickly lead to deadly temperatures inside a closed car, for example, within one hour an outside temperature of 72 degrees Fahrenheit can cause unhealthy conditions inside a vehicle that can adversely affect the health, safety, or well-being of an animal.

~~(3)~~

(c) With the vehicle windows left slightly open, an outside temperature of 85 degrees can cause a temperature of 102 degrees inside a vehicle within 10 minutes, and 120 degrees within half of an hour. A healthy dog, whose normal body temperature ranges from 101 to 102.5 degrees, can withstand a body temperature of 107 to 108 for only a short time before suffering brain damage or death.

~~(4)~~

(d) Numerous organizations and individuals have worked to educate pet owners of the dangers of leaving animals unattended in vehicles in the heat, however, it is well established that educational approaches by themselves do not improve safety behavior. To be effective, educational approaches must be integrated with enforcement activities.

~~—(5)~~

(e) It is, therefore, the intent of the Legislature to improve animal health and safety by both encouraging continued public education as well as discouraging this activity by imposing a penalty upon persons who leave or confine an animal in an unattended motor vehicle.

SEC. 2. Section 597.7 is added to the Penal Code , to read

~~—(b) — 597.7. (a)~~

No person shall leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

~~—(c)~~

(b) Unless the animal suffers great bodily injury, a first conviction for violation of this section is punishable by a fine not exceeding ~~two hundred fifty dollars (\$250)~~ **one hundred dollars (\$100)** per animal. If the animal suffers great bodily injury, a violation of this section is punishable by a fine not exceeding ~~one thousand dollars (\$1,000)~~ **five hundred dollars (\$500)** , imprisonment in a county jail not exceeding six months, or by both a fine and imprisonment. Any subsequent violation of this section, regardless of injury to the animal, is also punishable by a fine not exceeding ~~one thousand dollars (\$1,000)~~ **five hundred dollars (\$500)** , imprisonment in a county jail not exceeding six months, or by both a fine and imprisonment.

~~—(d)~~

(c) (1) Nothing in this section shall prevent a peace officer, humane officer, or an animal control officer from removing an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

(2) A peace officer, humane officer, or animal control officer who removes an animal from a motor vehicle shall take it to an animal shelter or other place of safekeeping or, if the officer deems necessary, to a veterinary hospital for treatment.

(3) A peace officer , **humane officer** , or animal control officer is authorized to take all steps that are reasonably necessary for the removal of an animal from a motor vehicle, including, but not limited to, breaking into the motor vehicle , **after a reasonable effort to locate the owner or other person responsible** .

(4) A peace officer, humane officer, or animal control officer who removes an animal from a motor vehicle shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing his or her name and office, and the address of the location where the animal can be claimed. The animal may be claimed by the owner only after payment of all charges that have accrued for the maintenance, care, medical treatment, or impoundment of the animal.

~~—(5) No peace officer, humane officer, or animal control officer shall be held criminally or civilly liable for any action taken pursuant to this subdivision provided that he or she acted in good~~

~~faith, on probable cause, and without malice.~~

~~(5) This Section does not effect in any way existing liabilities or immunities in current law, or create any new immunities or liabilities.~~

~~—(e)~~

~~(d) Nothing in this section shall preclude prosecution under both this section and Section 597 or any other provision of law, including city or county ordinances.~~

~~—(f)~~

~~(e) Nothing in this section shall be deemed to prohibit the transportation of horses, cattle, pigs, sheep, poultry or other agricultural animals in motor vehicles designed to transport such animals for agricultural purposes.~~

~~—(g)~~

~~(f) Notwithstanding any other provision of law, 50 percent of the fines collected for violations of this section shall be allocated as follows:~~

~~—(1) Fifty percent shall be allocated to animal control to be used for costs associated with enforcement of this section.~~

~~—(2) — Fifty percent shall be allocated to the development of community education programs on the dangers associated with leaving animals unattended in motor vehicles.~~

~~—SEC. 2— Section 23117 of the Vehicle Code is amended to read:~~

~~—23117. (a) No person driving a motor vehicle shall transport any animal in the back of the vehicle in a space intended for any load on the vehicle unless the space is enclosed or has side and tail racks to a height of at least 46 inches extending vertically from the floor, the vehicle has installed means of preventing the animal from being discharged, or the animal is cross tethered to the vehicle, or is protected by a secured container or cage, in a manner which will prevent the animal from being thrown, falling, or jumping from the vehicle.~~

~~—(b) This section does not apply to any of the following:~~

~~—(1) The transportation of livestock.~~

~~—(2) The transportation of a dog whose owner either owns or is employed by a ranching or farming operation who is traveling on a road in a rural area or who is traveling to and from a livestock auction.~~

~~—(3) The transportation of a dog for purposes associated with ranching or farming.~~

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.

**** NOTE FROM TAC: Penal Code 597 falls in the Malicious Mischief Chapter of the Penal Code with assorted animal cruelty and related offenses within Section 597. The provision created by this bill would follow the dog fighting prohibition, Section 597.5 and the Section 597.6 prohibition on de-clawing non-domestic cats.**