

AMENDED IN SENATE APRIL 2, 2018

**SENATE BILL**

**No. 1024**

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**Introduced by Senator Wilk**

February 7, 2018

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An act to amend ~~Section 597 of Sections 286.5, 596, 597, 597.1, 597f, and 600 of, and to add Sections 600.7 and 600.8 to, the Penal Code, relating to animal abuse.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1024, as amended, Wilk. ~~Animal abuse.~~ *abuse: responsible animal owner course: mandatory counseling.*

Existing law makes it a crime to maliciously and intentionally maim, mutilate, torture, wound, or kill a living animal. If a defendant is granted probation for a conviction under this provision, existing law requires the court to order the defendant to complete counseling designed to evaluate and treat behavior or conduct disorders.

~~This bill would make technical, nonsubstantive changes to these provisions:~~

*This bill would delete the requirement that a defendant granted probation complete counseling and would instead require a defendant convicted of specified offenses against animals to undergo a mandatory mental health evaluation. The bill would require the defendant to undergo mandatory counseling if the mental health professional conducting the evaluation deems it necessary. The bill would require termination of any diversion program, probation, mandatory supervision, or postrelease community supervision for a failure to complete these requirements.*

*The bill would require a defendant convicted of specified offenses against animals to be ordered to complete a responsible animal owner*

education course. The bill would require the State Department of Health Care Services to certify the course, as provided. The bill would require the course to, among other things, consist of 5 instructional hours on specified subjects and test the participant’s mastery of the course.

The bill would increase the fines associated with specified offenses against animals, as provided.

By increasing the punishment for a crime, this bill would 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: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known, and may be cited, as the  
2 Animal Cruelty and Violence Intervention Act of 2018.

3 SEC. 2. Section 286.5 of the Penal Code is amended to read:  
4 286.5. Any person who sexually assaults any animal protected  
5 by Section 597f for the purpose of arousing or gratifying the sexual  
6 desire of the person is guilty of a ~~misdemeanor~~; misdemeanor;  
7 punishable by imprisonment in a county jail not exceeding six  
8 months, by a fine not exceeding two thousand dollars (\$2,000), or  
9 by both that fine and imprisonment.

10 SEC. 3. Section 596 of the Penal Code is amended to read:  
11 596. (a) Every person who, without the consent of the owner,  
12 wilfully administers poison to any animal, the property of another,  
13 or exposes any poisonous substance, with the intent that the same  
14 shall be taken or swallowed by any such animal, is guilty of a  
15 ~~misdemeanor~~; misdemeanor, punishable by imprisonment in a  
16 county jail not exceeding six months, by a fine not exceeding two  
17 thousand dollars (\$2,000), or by both that fine and imprisonment.

18 However,  
19 (b) However, the provisions of this section shall not apply in  
20 the case of a person who exposes poisonous substances upon  
21 premises or property owned or controlled by him or her for the

1 purpose of controlling or destroying predatory animals or  
2 livestock-killing dogs and if, prior to or during the placing out of  
3 ~~such~~ the poisonous substances, he *or she* shall have posted upon  
4 the property conspicuous signs located at intervals of distance not  
5 greater than one-third of a mile apart, and in any case not less than  
6 three-~~such~~ signs having words with letters at least one inch high  
7 reading “Warning—Poisoned bait placed out on these premises,”  
8 which signs shall be kept in place until the poisonous substances  
9 have been removed. Whenever-~~such~~ *these* signs have been  
10 conspicuously located upon the property or premises owned or  
11 controlled by him as ~~hereinabove provided, such or her as required~~  
12 *by this section, that* person shall not be charged with any civil  
13 liability to another party in the event that any domestic animal  
14 belonging to-~~such~~ *that* party becomes injured or killed by  
15 trespassing or partaking of the poisonous substance or substances  
16 so placed.

17 **SECTION 1.**

18 *SEC. 4.* Section 597 of the Penal Code is amended to read:

19 597. (a) Except as provided in subdivision (c) of this section  
20 or Section 599c, every person who maliciously and intentionally  
21 maims, mutilates, tortures, or wounds a living animal, or  
22 maliciously and intentionally kills an animal, is guilty of a crime  
23 punishable pursuant to subdivision (d).

24 (b) Except as otherwise provided in subdivision (a) or (c), every  
25 person who overdrives, overloads, drives when overloaded,  
26 overworks, tortures, torments, deprives of necessary sustenance,  
27 drink, or shelter, cruelly beats, mutilates, or cruelly kills an animal,  
28 or causes or procures an animal to be so overdriven, overloaded,  
29 driven when overloaded, overworked, tortured, tormented, deprived  
30 of necessary sustenance, drink, shelter, or to be cruelly beaten,  
31 mutilated, or cruelly killed; and whoever, having the charge or  
32 custody of an animal, either as owner or otherwise, subjects an  
33 animal to needless suffering, or inflicts unnecessary cruelty upon  
34 the animal, or in any manner abuses an animal, or fails to provide  
35 the animal with proper food, drink, or shelter, or protection from  
36 the weather, or who drives, rides, or otherwise uses the animal  
37 when unfit for labor, is, for each offense, guilty of a crime  
38 punishable pursuant to subdivision (d).

39 (c) Every person who maliciously and intentionally maims,  
40 mutilates, or tortures a mammal, bird, reptile, amphibian, or fish,

1 as described in subdivision (e), is guilty of a crime punishable  
2 pursuant to subdivision (d).

3 (d) A violation of subdivision (a), (b), or (c) is punishable as a  
4 felony by imprisonment pursuant to subdivision (h) of Section  
5 1170, or by a fine of not more than twenty thousand dollars  
6 (\$20,000), or by both that fine and imprisonment, or alternatively,  
7 as a misdemeanor by imprisonment in a county jail for not more  
8 than one year, or by a fine of not more than twenty thousand dollars  
9 (\$20,000), or by both that fine and imprisonment.

10 (e) (1) Subdivision (c) applies to any mammal, bird, reptile,  
11 amphibian, or fish which is a creature described as follows:

12 (A) Endangered species or threatened species as described in  
13 Chapter 1.5 (commencing with Section 2050) of Division 3 of the  
14 Fish and Game Code.

15 (B) Fully protected birds described in Section 3511 of the Fish  
16 and Game Code.

17 (C) Fully protected mammals described in Chapter 8  
18 (commencing with Section 4700) of Part 3 of Division 4 of the  
19 Fish and Game Code.

20 (D) Fully protected reptiles and amphibians described in Chapter  
21 2 (commencing with Section 5050) of Division 5 of the Fish and  
22 Game Code.

23 (E) Fully protected fish as described in Section 5515 of the Fish  
24 and Game Code.

25 (2) This subdivision does not supersede or affect any law relating  
26 to taking of the described species, including, but not limited to,  
27 Section 12008 of the Fish and Game Code.

28 (f) For the purposes of subdivision (c), each act of malicious  
29 and intentional maiming, mutilating, or torturing a separate  
30 specimen of a creature described in subdivision (e) is a separate  
31 offense. If a person is charged with a violation of subdivision (c),  
32 the proceedings shall be subject to Section 12157 of the Fish and  
33 Game Code.

34 (g) (1) Upon the conviction of a person charged with a violation  
35 of this section by causing or permitting an act of cruelty, as defined  
36 in Section 599b, all animals lawfully seized and impounded with  
37 respect to the violation by a peace officer, officer of a humane  
38 society, or officer of a pound or animal regulation department of  
39 a public agency shall be adjudged by the court to be forfeited and  
40 shall thereupon be awarded to the impounding officer for proper

1 disposition. A person convicted of a violation of this section by  
2 causing or permitting an act of cruelty, as defined in Section 599b,  
3 shall be liable to the impounding officer for all costs of  
4 impoundment from the time of seizure to the time of proper  
5 disposition.

6 (2) Mandatory seizure or impoundment shall not apply to  
7 animals in properly conducted scientific experiments or  
8 investigations performed under the authority of the faculty of a  
9 regularly incorporated medical college or university of this state.

10 ~~(h) Notwithstanding any other law, if a defendant is granted  
11 probation for a conviction under this section, the court shall order  
12 the defendant to pay for, and successfully complete, counseling,  
13 as determined by the court, designed to evaluate and treat behavior  
14 or conduct disorders. If the court finds that the defendant is  
15 financially unable to pay for that counseling, the court may develop  
16 a sliding fee schedule based upon the defendant's ability to pay.  
17 An indigent defendant may negotiate a deferred payment schedule,  
18 but shall pay a nominal fee if the defendant has the ability to pay  
19 the nominal fee. County mental health departments or Medi-Cal  
20 shall be responsible for the costs of counseling required by this  
21 section only for those persons who meet the medical necessity  
22 criteria for mental health managed care pursuant to Section  
23 1830.205 of Title 9 of the California Code of Regulations or the  
24 targeted population criteria specified in Section 5600.3 of the  
25 Welfare and Institutions Code. The counseling specified in this  
26 subdivision shall be in addition to any other terms and conditions  
27 of probation, including any term of imprisonment and any fine.  
28 This provision specifies a mandatory additional term of probation  
29 and is not to be utilized as an alternative in lieu of imprisonment  
30 pursuant to subdivision (h) of Section 1170 or county jail when  
31 that sentence is otherwise appropriate. If the court does not order  
32 custody as a condition of probation for a conviction under this  
33 section, the court shall specify on the court record the reason or  
34 reasons for not ordering custody. This subdivision shall not apply  
35 to cases involving police dogs or horses as described in Section  
36 600.~~

37 *SEC. 5. Section 597.1 of the Penal Code is amended to read:*

38 597.1. (a) (1) Every owner, driver, or keeper of any animal  
39 who permits the animal to be in any building, enclosure, lane,  
40 street, square, or lot of any city, county, city and county, or judicial

1 district without proper care and attention is guilty of a  
2 ~~misdemeanor~~. *misdemeanor, punishable by imprisonment in a*  
3 *county jail not exceeding six months, by a fine not to exceed two*  
4 *thousand dollars (\$2,000), or by both that fine and imprisonment.*  
5 Any peace officer, humane society officer, or animal control officer  
6 shall take possession of the stray or abandoned animal and shall  
7 provide care and treatment for the animal until the animal is  
8 deemed to be in suitable condition to be returned to the owner.  
9 When the officer has reasonable grounds to believe that very  
10 prompt action is required to protect the health or safety of the  
11 animal or the health or safety of others, the officer shall  
12 immediately seize the animal and comply with subdivision (f). In  
13 all other cases, the officer shall comply with the provisions of  
14 subdivision (g). The full cost of caring for and treating any animal  
15 properly seized under this subdivision or pursuant to a search  
16 warrant shall constitute a lien on the animal and the animal shall  
17 not be returned to its owner until the charges are paid, if the seizure  
18 is upheld pursuant to this section.

19 (2) Notwithstanding any other law, if an animal control officer  
20 or humane officer, when necessary to protect the health and safety  
21 of a wild, stray, or abandoned animal or the health and safety of  
22 others, seeks to administer a tranquilizer that contains a controlled  
23 substance, as defined in Division 10 (commencing with Section  
24 11000) of the Health and Safety Code, to gain control of that  
25 animal, he or she may possess and administer that tranquilizer with  
26 direct or indirect supervision as determined by a licensed  
27 veterinarian, provided that the officer has met each of the following  
28 requirements:

29 (A) Has received training in the administration of tranquilizers  
30 from a licensed veterinarian. The training shall be approved by  
31 the California Veterinary Medical Board.

32 (B) Has successfully completed the firearms component of a  
33 course relating to the exercise of police powers, as set forth in  
34 Section 832.

35 (C) Is authorized by his or her agency or organization to possess  
36 and administer the tranquilizer in accordance with a policy  
37 established by the agency or organization and approved by the  
38 veterinarian who obtained the controlled substance.

39 (D) Has successfully completed the euthanasia training set forth  
40 in Section 2039 of Title 16 of the California Code of Regulations.

1 (E) Has completed a state and federal fingerprinting background  
2 check and does not have any drug- or alcohol-related convictions.

3 (b) Every sick, disabled, infirm, or crippled animal, except a  
4 dog or cat, that is abandoned in any city, county, city and county,  
5 or judicial district may be killed by the officer if, after a reasonable  
6 search, no owner of the animal can be found. It shall be the duty  
7 of all peace officers, humane society officers, and animal control  
8 officers to cause the animal to be killed or rehabilitated and placed  
9 in a suitable home on information that the animal is stray or  
10 abandoned. The officer may likewise take charge of any animal,  
11 including a dog or cat, that by reason of lameness, sickness,  
12 feebleness, or neglect, is unfit for the labor it is performing, or that  
13 in any other manner is being cruelly treated, and provide care and  
14 treatment for the animal until it is deemed to be in a suitable  
15 condition to be returned to the owner. When the officer has  
16 reasonable grounds to believe that very prompt action is required  
17 to protect the health or safety of an animal or the health or safety  
18 of others, the officer shall immediately seize the animal and comply  
19 with subdivision (f). In all other cases, the officer shall comply  
20 with subdivision (g). The full cost of caring for and treating any  
21 animal properly seized under this subdivision or pursuant to a  
22 search warrant shall constitute a lien on the animal and the animal  
23 shall not be returned to its owner until the charges are paid.

24 (c) (1) Any peace officer, humane society officer, or animal  
25 control officer shall convey all injured cats and dogs found without  
26 their owners in a public place directly to a veterinarian known by  
27 the officer to be a veterinarian who ordinarily treats dogs and cats  
28 for a determination of whether the animal shall be immediately  
29 and humanely destroyed or shall be hospitalized under proper care  
30 and given emergency treatment.

31 (2) If the owner does not redeem the animal within the locally  
32 prescribed waiting period, the veterinarian may personally perform  
33 euthanasia on the animal. If the animal is treated and recovers from  
34 its injuries, the veterinarian may keep the animal for purposes of  
35 adoption, provided the responsible animal control agency has first  
36 been contacted and has refused to take possession of the animal.

37 (3) Whenever any animal is transferred to a veterinarian in a  
38 clinic, such as an emergency clinic that is not in continuous  
39 operation, the veterinarian may, in turn, transfer the animal to an  
40 appropriate facility.

1 (4) If the veterinarian determines that the animal shall be  
2 hospitalized under proper care and given emergency treatment,  
3 the costs of any services that are provided pending the owner's  
4 inquiry to the responsible agency, department, or society shall be  
5 paid from the dog license fees, fines, and fees for impounding dogs  
6 in the city, county, or city and county in which the animal was  
7 licensed or, if the animal is unlicensed, shall be paid by the  
8 jurisdiction in which the animal was found, subject to the provision  
9 that this cost be repaid by the animal's owner. The full cost of  
10 caring for and treating any animal seized under this subdivision  
11 shall constitute a lien on the animal and the animal shall not be  
12 returned to the owner until the charges are paid. No veterinarian  
13 shall be criminally or civilly liable for any decision that he or she  
14 makes or for services that he or she provides pursuant to this  
15 subdivision.

16 (d) An animal control agency that takes possession of an animal  
17 pursuant to subdivision (c) shall keep records of the whereabouts  
18 of the animal from the time of possession to the end of the animal's  
19 impoundment, and those records shall be available for inspection  
20 by the public upon request for three years after the date the animal's  
21 impoundment ended.

22 (e) Notwithstanding any other provision of this section, any  
23 peace officer, humane society officer, or any animal control officer  
24 may, with the approval of his or her immediate superior, humanely  
25 destroy any stray or abandoned animal in the field in any case  
26 where the animal is too severely injured to move or where a  
27 veterinarian is not available and it would be more humane to  
28 euthanize the animal.

29 (f) Whenever an officer authorized under this section seizes or  
30 impounds an animal based on a reasonable belief that prompt action  
31 is required to protect the health or safety of the animal or the health  
32 or safety of others, the officer shall, prior to the commencement  
33 of any criminal proceedings authorized by this section, provide  
34 the owner or keeper of the animal, if known or ascertainable after  
35 reasonable investigation, with the opportunity for a postseizure  
36 hearing to determine the validity of the seizure or impoundment,  
37 or both.

38 (1) The agency shall cause a notice to be affixed to a  
39 conspicuous place where the animal was situated or personally  
40 deliver a notice of the seizure or impoundment, or both, to the



1 owner or keeper within 48 hours, excluding weekends and holidays.

2 The notice shall include all of the following:

3 (A) The name, business address, and telephone number of the  
4 officer providing the notice.

5 (B) A description of the animal seized, including any  
6 identification upon the animal.

7 (C) The authority and purpose for the seizure or impoundment,  
8 including the time, place, and circumstances under which the  
9 animal was seized.

10 (D) A statement that, in order to receive a postseizure hearing,  
11 the owner or person authorized to keep the animal, or his or her  
12 agent, shall request the hearing by signing and returning an  
13 enclosed declaration of ownership or right to keep the animal to  
14 the agency providing the notice within 10 days, including weekends  
15 and holidays, of the date of the notice. The declaration may be  
16 returned by personal delivery or mail.

17 (E) A statement that the full cost of caring for and treating any  
18 animal properly seized under this section is a lien on the animal  
19 and that the animal shall not be returned to the owner until the  
20 charges are paid, and that failure to request or to attend a scheduled  
21 hearing shall result in liability for this cost.

22 (2) The postseizure hearing shall be conducted within 48 hours  
23 of the request, excluding weekends and holidays. The seizing  
24 agency may authorize its own officer or employee to conduct the  
25 hearing if the hearing officer is not the same person who directed  
26 the seizure or impoundment of the animal and is not junior in rank  
27 to that person. The agency may utilize the services of a hearing  
28 officer from outside the agency for the purposes of complying with  
29 this section.

30 (3) Failure of the owner or keeper, or of his or her agent, to  
31 request or to attend a scheduled hearing shall result in a forfeiture  
32 of any right to a postseizure hearing or right to challenge his or  
33 her liability for costs incurred.

34 (4) The agency, department, or society employing the person  
35 who directed the seizure shall be responsible for the costs incurred  
36 for caring and treating the animal, if it is determined in the  
37 postseizure hearing that the seizing officer did not have reasonable  
38 grounds to believe very prompt action, including seizure of the  
39 animal, was required to protect the health or safety of the animal  
40 or the health or safety of others. If it is determined the seizure was

1 justified, the owner or keeper shall be personally liable to the  
2 seizing agency for the full cost of the seizure and care of the  
3 animal. The charges for the seizure and care of the animal shall  
4 be a lien on the animal. The animal shall not be returned to its  
5 owner until the charges are paid and the owner demonstrates to  
6 the satisfaction of the seizing agency or the hearing officer that  
7 the owner can and will provide the necessary care for the animal.

8 (g) Where the need for immediate seizure is not present and  
9 prior to the commencement of any criminal proceedings authorized  
10 by this section, the agency shall provide the owner or keeper of  
11 the animal, if known or ascertainable after reasonable investigation,  
12 with the opportunity for a hearing prior to any seizure or  
13 impoundment of the animal. The owner shall produce the animal  
14 at the time of the hearing unless, prior to the hearing, the owner  
15 has made arrangements with the agency to view the animal upon  
16 request of the agency, or unless the owner can provide verification  
17 that the animal was humanely destroyed. Any person who willfully  
18 fails to produce the animal or provide the verification is guilty of  
19 an infraction, punishable by a fine of not less than two hundred  
20 fifty dollars (\$250) nor more than one thousand dollars (\$1,000).

21 (1) The agency shall cause a notice to be affixed to a  
22 conspicuous place where the animal was situated or personally  
23 deliver a notice stating the grounds for believing the animal should  
24 be seized under subdivision (a) or (b). The notice shall include all  
25 of the following:

26 (A) The name, business address, and telephone number of the  
27 officer providing the notice.

28 (B) A description of the animal to be seized, including any  
29 identification upon the animal.

30 (C) The authority and purpose for the possible seizure or  
31 impoundment.

32 (D) A statement that, in order to receive a hearing prior to any  
33 seizure, the owner or person authorized to keep the animal, or his  
34 or her agent, shall request the hearing by signing and returning the  
35 enclosed declaration of ownership or right to keep the animal to  
36 the officer providing the notice within two days, excluding  
37 weekends and holidays, of the date of the notice.

38 (E) A statement that the cost of caring for and treating any  
39 animal properly seized under this section is a lien on the animal,  
40 that any animal seized shall not be returned to the owner until the

1 charges are paid, and that failure to request or to attend a scheduled  
2 hearing shall result in a conclusive determination that the animal  
3 may properly be seized and that the owner shall be liable for the  
4 charges.

5 (2) The preseizure hearing shall be conducted within 48 hours,  
6 excluding weekends and holidays, after receipt of the request. The  
7 seizing agency may authorize its own officer or employee to  
8 conduct the hearing if the hearing officer is not the same person  
9 who requests the seizure or impoundment of the animal and is not  
10 junior in rank to that person. The agency may utilize the services  
11 of a hearing officer from outside the agency for the purposes of  
12 complying with this section.

13 (3) Failure of the owner or keeper, or his or her agent, to request  
14 or to attend a scheduled hearing shall result in a forfeiture of any  
15 right to a preseizure hearing or right to challenge his or her liability  
16 for costs incurred pursuant to this section.

17 (4) The hearing officer, after the hearing, may affirm or deny  
18 the owner's or keeper's right to custody of the animal and, if  
19 reasonable grounds are established, may order the seizure or  
20 impoundment of the animal for care and treatment.

21 (h) If any animal is properly seized under this section or pursuant  
22 to a search warrant, the owner or keeper shall be personally liable  
23 to the seizing agency for the cost of the seizure and care of the  
24 animal. Further, if the charges for the seizure or impoundment and  
25 any other charges permitted under this section are not paid within  
26 14 days of the seizure, or if the owner, within 14 days of notice of  
27 availability of the animal to be returned, fails to pay charges  
28 permitted under this section and take possession of the animal, the  
29 animal shall be deemed to have been abandoned and may be  
30 disposed of by the seizing agency.

31 (i) If the animal requires veterinary care and the humane society  
32 or public agency is not assured, within 14 days of the seizure of  
33 the animal, that the owner will provide the necessary care, the  
34 animal shall not be returned to its owner and shall be deemed to  
35 have been abandoned and may be disposed of by the seizing  
36 agency. A veterinarian may humanely destroy an impounded  
37 animal without regard to the prescribed holding period when it has  
38 been determined that the animal has incurred severe injuries or is  
39 incurably crippled. A veterinarian also may immediately humanely  
40 destroy an impounded animal afflicted with a serious contagious

1 disease unless the owner or his or her agent immediately authorizes  
2 treatment of the animal by a veterinarian at the expense of the  
3 owner or agent.

4 (j) No animal properly seized under this section or pursuant to  
5 a search warrant shall be returned to its owner until the owner can  
6 demonstrate to the satisfaction of the seizing agency or hearing  
7 officer that the owner can and will provide the necessary care for  
8 the animal.

9 (k) (1) In the case of cats and dogs, prior to the final disposition  
10 of any criminal charges, the seizing agency or prosecuting attorney  
11 may file a petition in a criminal action requesting that, prior to that  
12 final disposition, the court issue an order forfeiting the animal to  
13 the city, county, or seizing agency. The petitioner shall serve a  
14 true copy of the petition upon the defendant and the prosecuting  
15 attorney.

16 (2) Upon receipt of the petition, the court shall set a hearing on  
17 the petition. The hearing shall be conducted within 14 days after  
18 the filing of the petition, or as soon as practicable.

19 (3) The petitioner shall have the burden of establishing beyond  
20 a reasonable doubt that, even in the event of an acquittal of the  
21 criminal charges, the owner will not legally be permitted to retain  
22 the animal in question. If the court finds that the petitioner has met  
23 its burden, the court shall order the immediate forfeiture of the  
24 animal as sought by the petition.

25 (4) Nothing in this subdivision is intended to authorize a seizing  
26 agency or prosecuting attorney to file a petition to determine an  
27 owner's ability to legally retain an animal pursuant to paragraph  
28 (3) of subdivision (l) if a petition has previously been filed pursuant  
29 to this subdivision.

30 (l) (1) Upon the conviction of a person charged with a violation  
31 of this section, or Section 597 or 597a, all animals lawfully seized  
32 and impounded with respect to the violation shall be adjudged by  
33 the court to be forfeited and shall thereupon be transferred to the  
34 impounding officer or appropriate public entity for proper adoption  
35 or other disposition. A person convicted of a violation of this  
36 section shall be personally liable to the seizing agency for all costs  
37 of impoundment from the time of seizure to the time of proper  
38 disposition. Upon conviction, the court shall order the convicted  
39 person to make payment to the appropriate public entity for the  
40 costs incurred in the housing, care, feeding, and treatment of the

1 seized or impounded animals. Each person convicted in connection  
2 with a particular animal may be held jointly and severally liable  
3 for restitution for that particular animal. The payment shall be in  
4 addition to any other fine or sentence ordered by the court.

5 (2) The court may also order, as a condition of probation, that  
6 the convicted person be prohibited from owning, possessing, caring  
7 for, or residing with, animals of any kind, and require the convicted  
8 person to immediately deliver all animals in his or her possession  
9 to a designated public entity for adoption or other lawful disposition  
10 or provide proof to the court that the person no longer has  
11 possession, care, or control of any animals. In the event of the  
12 acquittal or final discharge without conviction of the person  
13 charged, if the animal is still impounded, the animal has not been  
14 previously deemed abandoned pursuant to subdivision (h), the  
15 court has not ordered that the animal be forfeited pursuant to  
16 subdivision (k), the court shall, on demand, direct the release of  
17 seized or impounded animals to the defendant upon a showing of  
18 proof of ownership.

19 (3) Any questions regarding ownership shall be determined in  
20 a separate hearing by the court where the criminal case was finally  
21 adjudicated and the court shall hear testimony from any persons  
22 who may assist the court in determining ownership of the animal.  
23 If the owner is determined to be unknown or the owner is  
24 prohibited or unable to retain possession of the animals for any  
25 reason, the court shall order the animals to be released to the  
26 appropriate public entity for adoption or other lawful disposition.  
27 This section is not intended to cause the release of any animal,  
28 bird, reptile, amphibian, or fish seized or impounded pursuant to  
29 any other statute, ordinance, or municipal regulation. This section  
30 shall not prohibit the seizure or impoundment of animals as  
31 evidence as provided for under any other provision of law.

32 (m) It shall be the duty of all peace officers, humane society  
33 officers, and animal control officers to use all currently acceptable  
34 methods of identification, both electronic and otherwise, to  
35 determine the lawful owner or caretaker of any seized or  
36 impounded animal. It shall also be their duty to make reasonable  
37 efforts to notify the owner or caretaker of the whereabouts of the  
38 animal and any procedures available for the lawful recovery of the  
39 animal and, upon the owner's and caretaker's initiation of recovery  
40 procedures, retain custody of the animal for a reasonable period

1 of time to allow for completion of the recovery process. Efforts to  
2 locate or contact the owner or caretaker and communications with  
3 persons claiming to be the owner or caretaker shall be recorded  
4 and maintained and be made available for public inspection.

5 *SEC. 6. Section 597f of the Penal Code is amended to read:*

6 597f. (a) Every owner, driver, or possessor of any animal, who  
7 permits the animal to be in any building, enclosure, lane, street,  
8 square, or lot, of any city, city and county, or judicial district,  
9 without proper care and attention, shall, on conviction, be deemed  
10 guilty of a ~~misdemeanor~~. *misdemeanor, punishable by*  
11 *imprisonment in a county jail not exceeding six months, by a fine*  
12 *not exceeding two thousand dollars (\$2,000), or by both that fine*  
13 *and imprisonment. And it shall be the duty of any peace officer,*  
14 *officer of the humane society, or officer of a pound or animal*  
15 *regulation department of a public agency, to take possession of*  
16 *the animal so abandoned or neglected and care for the animal until*  
17 *it is redeemed by the owner or claimant, and the cost of caring for*  
18 *the animal shall be a lien on the animal until the charges are paid.*  
19 *Every sick, disabled, infirm, or crippled animal, except a dog or*  
20 *cat, which shall be abandoned in any city, city and county, or*  
21 *judicial district, may, if after due search no owner can be found*  
22 *therefor, be killed by the ~~officer~~; and it officer. It shall be the duty*  
23 *of all peace officers, an officer of such society, or officer of a*  
24 *pound or animal regulation department of a public agency to cause*  
25 *the animal to be killed on information of such abandonment. The*  
26 *officer may likewise take charge of any animal, including a dog*  
27 *or cat, that by reason of lameness, sickness, feebleness, or neglect,*  
28 *is unfit for the labor it is performing, or that in any other manner*  
29 *is being cruelly ~~treated~~; treated and, if the animal is not then in*  
30 *the custody of its owner, the officer shall give notice thereof to*  
31 *the owner, if known, and may provide suitable care for the animal*  
32 *until it is deemed to be in a suitable condition to be delivered to*  
33 *the ~~owner~~, and any owner. Any necessary expenses which may be*  
34 *incurred for taking care of and keeping the animal shall be a lien*  
35 *thereon, to be paid before the animal can be lawfully recovered.*

36 (b) (1) It shall be the duty of all officers of pounds or humane  
37 societies, and animal regulation departments of public agencies to  
38 convey, and for police and sheriff departments, to cause to be  
39 conveyed all injured cats and dogs found without their owners in  
40 a public place directly to a veterinarian known by the officer or

1 agency to be a veterinarian that ordinarily treats dogs and cats for  
2 a determination of whether the animal shall be immediately and  
3 humanely destroyed or shall be hospitalized under proper care and  
4 given emergency treatment.

5 **If**

6 (2) *If* the owner does not redeem the animal within the locally  
7 prescribed waiting period, the veterinarian may personally perform  
8 euthanasia on the ~~animal~~; *animal*, or, if the animal is treated and  
9 recovers from its injuries, the veterinarian may keep the animal  
10 for purposes of adoption, provided the responsible animal control  
11 agency has first been contacted and has refused to take possession  
12 of the animal.

13 ~~Whenever~~

14 (3) *Whenever* any animal is transferred pursuant to this  
15 subdivision to a veterinarian in a clinic, such as an emergency  
16 clinic which is not in continuous operation, the veterinarian may,  
17 in turn, transfer the animal to an appropriate facility.

18 **If**

19 (4) *If* the veterinarian determines that the animal shall be  
20 hospitalized under proper care and given emergency treatment,  
21 the costs of any services which are provided pending the owner's  
22 inquiry to the agency, department, or society shall be paid from  
23 the dog license fees, fines, and fees for impounding dogs in the  
24 city, county, or city and county in which the animal was licensed  
25 or if the animal is unlicensed the jurisdiction in which the animal  
26 was found, subject to the provision that this cost be repaid by the  
27 animal's owner. No veterinarian shall be criminally or civilly liable  
28 for any decision which he or she makes or services which he or  
29 she provides pursuant to this section.

30 (c) An animal control agency which takes possession of an  
31 animal pursuant to subdivision (b), shall keep records of the  
32 whereabouts of the animal for a 72-hour period from the time of  
33 possession and those records shall be available to inspection by  
34 the public upon request.

35 (d) Notwithstanding any other provisions of this section, any  
36 officer of a pound or animal regulation department or humane  
37 society, or any officer of a police or sheriff's department may,  
38 with the approval of his or her immediate superior, humanely  
39 destroy any abandoned animal in the field in any case where the  
40 animal is too severely injured to move or where a veterinarian is

1 not available and it would be more humane to dispose of the  
2 animal.

3 *SEC. 7. Section 600 of the Penal Code is amended to read:*

4 600. (a) Any person who willfully and maliciously and with  
5 no legal justification strikes, beats, kicks, cuts, stabs, shoots with  
6 a firearm, administers any poison or other harmful or stupefying  
7 substance to, or throws, hurls, or projects at, or places any rock,  
8 object, or other substance which is used in such a manner as to be  
9 capable of producing injury and likely to produce injury, on or in  
10 the path of, a horse being used by, or a dog under the supervision  
11 of, a peace officer in the discharge or attempted discharge of his  
12 or her duties, or a volunteer who is acting under the direct  
13 supervision of a peace officer in the discharge or attempted  
14 discharge of his or her assigned volunteer duties, is guilty of a  
15 public offense. If the injury inflicted is a serious injury, as  
16 described in subdivision (c), the person shall be punished by  
17 imprisonment pursuant to subdivision (h) of Section 1170 for 16  
18 months, two or three years, or in a county jail for not exceeding  
19 one year, or by a fine not exceeding two thousand dollars (\$2,000),  
20 or by both a fine and imprisonment. If the injury inflicted is not a  
21 serious injury, the person shall be punished by imprisonment in  
22 the county jail for not exceeding one year, or by a fine not  
23 exceeding ~~one thousand dollars (\$1,000)~~, *two thousand dollars*  
24 *(\$2,000)*, or by both a fine and imprisonment.

25 (b) Any person who willfully and maliciously and with no legal  
26 justification interferes with or obstructs a horse or dog being used  
27 by a peace officer in the discharge or attempted discharge of his  
28 or her duties, or a volunteer who is acting under the direct  
29 supervision of a peace officer in the discharge or attempted  
30 discharge of his or her assigned volunteer duties, by frightening,  
31 teasing, agitating, harassing, or hindering the horse or dog shall  
32 be punished by imprisonment in a county jail for not exceeding  
33 one year, or by a fine not exceeding ~~one thousand dollars (\$1,000)~~,  
34 *two thousand dollars (\$2,000)*, or by both a fine and imprisonment.

35 (c) Any person who, in violation of this section, and with intent  
36 to inflict that injury or death, personally causes the death,  
37 destruction, or serious physical injury including bone fracture, loss  
38 or impairment of function of any bodily member, wounds requiring  
39 extensive suturing, or serious crippling, of a horse or dog, shall,  
40 upon conviction of a felony under this section, in addition and



1 consecutive to the punishment prescribed for the felony, be  
2 punished by an additional term of imprisonment pursuant to  
3 subdivision (h) of Section 1170 for one year.

4 (d) Any person who, in violation of this section, and with the  
5 intent to inflict that injury, personally causes great bodily injury,  
6 as defined in Section 12022.7, to any person not an accomplice,  
7 shall, upon conviction of a felony under this section, in addition  
8 and consecutive to the punishment prescribed for the felony, be  
9 punished by an additional term of imprisonment in the state prison  
10 for two years unless the conduct described in this subdivision is  
11 an element of any other offense of which the person is convicted  
12 or receives an enhancement under Section 12022.7.

13 (e) A defendant convicted of a violation of this section shall be  
14 ordered to make restitution to the agency owning the animal and  
15 employing the peace officer, to a volunteer who is acting under  
16 the direct supervision of a peace officer who is using his or her  
17 horse or supervising his or her dog in the performance of his or  
18 her assigned duties, or to the agency that provides, or the individual  
19 who provides, veterinary health care coverage or veterinary care  
20 for a horse or dog being used by, or under the supervision of, a  
21 volunteer who is acting under the direct supervision of a peace  
22 officer for any veterinary bills, replacement costs of the animal if  
23 it is disabled or killed, and, if applicable, the salary of the peace  
24 officer for the period of time his or her services are lost to the  
25 agency.

26 *SEC. 8. Section 600.7 is added to the Penal Code, to read:*

27 *600.7. (a) Every defendant who is convicted of an offense*  
28 *specified in subdivision (c) shall be ordered to pay for and*  
29 *complete the responsible animal owner education course described*  
30 *in subdivision (b). If the court finds that the defendant is financially*  
31 *unable to pay for the course, the court may develop a sliding fee*  
32 *schedule based upon the defendant's ability to pay. An indigent*  
33 *defendant may negotiate a deferred payment schedule, but shall*  
34 *pay a nominal fee if the defendant has the ability to pay the nominal*  
35 *fee.*

36 *(b) (1) The responsible animal owner education course for*  
37 *persons convicted of an offense specified in subdivision (c) may*  
38 *be conducted online or in person, or in a combination of both, and*  
39 *shall consist of all of the following:*

40 *(A) A minimum of five instructional hours.*

1 (B) Mechanisms to ensure the minimum hours of instruction  
2 have been completed by the participant.

3 (C) Attendance shall be verified. If the course is completed  
4 online, the course provider shall maintain a system to validate the  
5 identity of the person taking the course.

6 (D) The course provider shall incorporate a validation process  
7 that verifies participant comprehension of course material related  
8 to the educational objectives as follows:

9 (i) The course provider shall test the participant's mastery of  
10 the course content by asking at least two questions from each major  
11 unit or section. The questions shall be multiple choice.

12 (ii) The questions shall be difficult enough that the answer may  
13 not be easily determined without having viewed the contents of the  
14 major unit or section.

15 (2) The educational objectives of the responsible animal owner  
16 course shall include, but not be limited to, promotion of all of the  
17 following:

18 (A) Responsible care concepts for animals, both livestock and  
19 nonlivestock, including instruction on providing for the health,  
20 safety, and welfare of livestock and nonlivestock animals and  
21 wildlife, including appropriate shelter and housing, the importance  
22 of spaying and neutering, and the proper tethering and  
23 transportation of animals.

24 (B) Responsible pet ownership, including, but not limited to,  
25 ensuring the safety of both the community and the animal and bite  
26 prevention.

27 (C) Respect and observance of federal and state laws that  
28 protect livestock and nonlivestock animals and wildlife.

29 (D) An overview of state and federal laws related to cruelty to  
30 livestock and nonlivestock animals and animal fighting.

31 (E) Appropriate training and discipline tactics for livestock and  
32 nonlivestock animals.

33 (3) All responsible owner education courses for persons  
34 convicted of an offense specified in subdivision (c) shall be  
35 reviewed and certified by the State Department of Health Care  
36 Services. Each application for course certification shall be  
37 accompanied by a course outline that identifies the educational  
38 objectives outlined in paragraph (2) and the amount of time allotted  
39 for each educational objective.

1 (c) *This section applies to a conviction for any of the following*  
2 *offenses:*

- 3 (1) *Section 286.5.*
- 4 (2) *Section 596.*
- 5 (3) *Section 596.5.*
- 6 (4) *Subdivision (a), (b), or (c) of Section 597.*
- 7 (5) *Paragraph (1) of subdivision (a) of Section 597.1.*
- 8 (6) *Subdivision (a) or (b) of Section 597.5.*
- 9 (7) *Section 597.6.*
- 10 (8) *Section 597.7.*
- 11 (9) *Section 597a.*
- 12 (10) *Section 597b.*
- 13 (11) *Section 597c.*
- 14 (12) *Section 597f.*
- 15 (13) *Section 597g.*
- 16 (14) *Section 597h.*
- 17 (15) *Section 597i.*
- 18 (16) *Section 597j.*
- 19 (17) *Section 597k.*
- 20 (18) *Section 597m.*
- 21 (19) *Section 597n.*
- 22 (20) *Section 597s.*
- 23 (21) *Section 597t.*
- 24 (22) *Section 597u.*
- 25 (23) *Section 597v.*
- 26 (24) *Section 597x.*
- 27 (25) *Section 597z.*
- 28 (26) *Section 599f.*
- 29 (27) *Subdivision (a), (b), or (c) of Section 600.*
- 30 (28) *Section 600.2.*
- 31 (29) *Section 600.5.*

32 *SEC. 9. Section 600.8 is added to the Penal Code, to read:*

33 *600.8. (a) (1) Every defendant who is convicted of an offense*  
34 *specified in subdivision (b) shall be subject to a mandatory mental*  
35 *health evaluation. Upon evaluation, if the evaluating mental health*  
36 *professional deems it necessary, the defendant shall complete*  
37 *mandatory counseling. Mental health evaluations and any*  
38 *subsequent treatment shall be paid for by the defendant. If the*  
39 *court finds that the defendant is financially unable to pay for that*  
40 *counseling, the court may develop a sliding fee schedule based*

1 upon the defendant’s ability to pay. An indigent defendant may  
2 negotiate a deferred payment schedule, but shall pay a nominal  
3 fee if the defendant has the ability to pay the nominal fee.

4 (2) Mental health evaluation shall be completed within 90 days  
5 of the conviction or at the soonest time deemed appropriate by the  
6 court, unless the defendant is sentenced to imprisonment, in which  
7 case the mental health evaluation shall be completed within 90  
8 days of release or at the soonest time deemed appropriate by the  
9 court. If the offender is referred to counseling, he or she shall  
10 begin counseling within 90 days or at the soonest time deemed  
11 appropriate by the court and shall submit proof of completion to  
12 the court.

13 (3) Failure to complete these requirements shall result in the  
14 termination of any diversion program, probation, mandatory  
15 supervision, or postrelease community supervision.

16 (b) This section applies to a conviction for any of the following  
17 offenses:

- 18 (1) Section 286.5.
- 19 (2) Section 596.
- 20 (3) Subdivision (a), (b), or (c) of Section 597.
- 21 (4) Paragraph (1) of subdivision (a) of Section 597.1.
- 22 (5) Section 597f.
- 23 (6) Subdivision (a), (b), or (c) of Section 600.
- 24 (7) Section 600.2.
- 25 (8) Section 600.5.

26 SEC. 10. No reimbursement is required by this act pursuant  
27 to Section 6 of Article XIII B of the California Constitution because  
28 the only costs that may be incurred by a local agency or school  
29 district will be incurred because this act creates a new crime or  
30 infraction, eliminates a crime or infraction, or changes the penalty  
31 for a crime or infraction, within the meaning of Section 17556 of  
32 the Government Code, or changes the definition of a crime within  
33 the meaning of Section 6 of Article XIII B of the California  
34 Constitution.