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AB-1290 Crimes: theft: animals. (2021-2022)

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Assembly Bill No. 1290

CHAPTER 546

An act to amend Sections 487e, 487f, and 491 of the Penal Code, relating to crimes.

[Approved by Governor September 26, 2022. Filed with Secretary of State September 26, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1290, Lee. Crimes: theft: animals.

Existing law prohibits the theft of personal property, as specified. Existing law, for purposes of provisions related to theft, declares that a dog is personal property and that the value of a dog shall be determined in the same manner as for other personal property. Under existing law, theft of a dog with a value exceeding \$950 is grand theft and theft of a dog with a value not exceeding \$950 is petty theft. Existing appellate case law holds that a cat is personal property for purposes of theft. Existing law defines a feral cat as a cat without owner identification whose usual and consistent temperament is extreme fear and resistance to contact with people and who is totally unsocialized to people.

This bill would expand the scope of those crimes to apply to any companion animal, as defined. By expanding the application of an existing 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: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 487e of the Penal Code is amended to read:

487e. (a) Every person who feloniously steals, takes, or carries away a companion animal of another which is of a value exceeding nine hundred fifty dollars (\$950) is guilty of grand theft.

(b) (1) For purposes of this section, "companion animal" means an animal, including, but not limited to, a dog or a cat that a person keeps and provides care for as a household pet or otherwise for the purpose of companionship, emotional support, service, or protection.

(2) For purposes of this section, "companion animal" excludes feral animals, including, but not limited to, feral cats as defined in Section 31752.5 of the Food and Agricultural Code.

SEC. 2. Section 487f of the Penal Code is amended to read:

487f. (a) Every person who feloniously steals, takes, or carries away a companion animal of another which is of a value not exceeding nine hundred fifty dollars (\$950) is guilty of petty theft.

(b) (1) For purposes of this section, "companion animal" means an animal, including, but not limited to, a dog or a cat that a person keeps and provides care for as a household pet or otherwise for the purpose of companionship, emotional support, service, or protection.

(2) For purposes of this section, "companion animal" excludes feral animals, including, but not limited to, feral cats as defined in Section 31752.5 of the Food and Agricultural Code.

SEC. 3. Section 491 of the Penal Code is amended to read:

491. (a) Companion animals are personal property, and their value is to be ascertained in the same manner as the value of other property.

(b) (1) For purposes of this section, "companion animal" means an animal, including, but not limited to, a dog or a cat that a person keeps and provides care for as a household pet or otherwise for the purpose of companionship, emotional support, service, or protection.

(2) For purposes of this section, "companion animal" excludes feral animals, including, but not limited to, feral cats as defined in Section 31752.5 of the Food and Agricultural Code.

SEC. 4. 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.