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AB-1988 Stray animals: availability for adoption or release. (2023-2024)

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Assembly Bill No. 1988

CHAPTER 96

An act to amend Sections 31108, 31752, 31753, and 31754 of the Food and Agricultural Code, relating to animals.

[Approved by Governor July 15, 2024. Filed with Secretary of State July 15, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1988, Muratsuchi. Stray animals: availability for adoption or release.

Existing law requires a public or private shelter to release an impounded stray dog or cat to a nonprofit, as defined, animal rescue or adoption organization if requested by the organization before the scheduled euthanasia of that animal, except as specified. Existing law authorizes a puppy or kitten under 8 weeks of age that is reasonably believed to be unowned and is impounded in a public or private shelter to, before the euthanasia of that animal, be made immediately available for release to a nonprofit animal rescue or adoption organization if requested by the organization, and authorizes a puppy or kitten relinquished to a public or private shelter by the purported owner, or brought in by any other person with authority to relinquish it, to be available immediately for adoption. Existing law requires that a 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 be held with the same opportunities for redemption and adoption by new owners or nonprofit animal rescue or adoption organizations as provided for dogs and cats, as specified.

This bill would expand the scope of those provisions to apply to nonprofit organizations, as defined, animal rescue organizations, and adoption organizations, rather than nonprofit animal rescue organizations and nonprofit adoption organizations. The bill would authorize a puppy or kitten relinquished to a public or private shelter by the purported owner, or brought in by any other person with authority to relinquish it, to also be made immediately available for release to a nonprofit organization, animal rescue organization, or adoption organization if requested by the organization.

Under existing law, a violation of the Food and Agricultural Code is a crime.

Because the above provisions would be part of that code, 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 31108 of the Food and Agricultural Code is amended to read:

31108. (a) (1) The required holding period for a stray dog impounded pursuant to this division shall be six business days, not including the day of impoundment, except as follows:

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

(B) 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 dogs 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.

(2) Except as provided in Section 17006, stray dogs 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) (1) Except as provided in Section 17006, a stray dog that is impounded pursuant to this division shall, before 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 organization if requested by the organization before the scheduled euthanasia of that animal. The public or private shelter may enter into cooperative agreements with an animal rescue or adoption organization. In addition to a 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.

(2) A puppy under eight weeks of age that is reasonably believed to be unowned and is impounded in a public or private shelter may, before the euthanasia of that animal, be made immediately available for release to a nonprofit, as defined in Section 501(c)(3) of the Internal Revenue Code, animal rescue, or adoption organization if requested by the organization.

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

(d) As used in this division, a "business day" includes any day that a public or private shelter is open to the public for at least four hours, excluding state holidays.

SEC. 2. Section 31752 of the Food and Agricultural Code is amended to read:

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 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.

(b) (1) Except as provided in Sections 17006 and 31752.5 and paragraph (2), 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.

(2) (A) Notwithstanding paragraph (1), a kitten under eight weeks of age that is reasonably believed to be unowned may be available immediately for adoption beginning on the day on which the kitten is seized, taken up, or impounded, through the entire holding period.

(B) This paragraph does not supersede or otherwise limit the requirements in Section 31751.3 or Sections 31760 to 31762, inclusive, to ensure that a kitten sold, given away, or transferred to a new owner is or will be spayed or neutered.

(c) (1) Except as provided in Section 17006, a stray cat that is impounded pursuant to this division shall, before 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 organization if requested by the organization before the scheduled euthanasia of that animal. In addition to a 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 an animal rescue or adoption organization.

(2) A kitten under eight weeks of age that is reasonably believed to be unowned and is impounded in a public or private shelter may, before the euthanasia of that animal, be made immediately available for release to a nonprofit, as defined in Section 501(c)(3) of the Internal Revenue Code, animal rescue, or adoption organization if requested by the organization.

(d) During the holding period required by this section and before 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 the owner that the cat is impounded and is available for redemption.

(e) As used in this division, a "business day" includes any day that a public or private shelter is open to the public for at least four hours, excluding state holidays.

SEC. 3. Section 31753 of the Food and Agricultural Code is amended to read:

31753. A 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. The public or private shelter may enter into cooperative agreements with animal rescue or adoption organizations regarding rabbits that are equivalent to those cooperative agreements authorized in Section 31108 regarding dogs and Section 31752 regarding cats. Section 17006 shall also apply to these animals. In addition to a 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.

SEC. 4. Section 31754 of the Food and Agricultural Code is amended to read:

31754. (a) Except as provided in Section 17006, an 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, or made immediately available for release to a nonprofit, as defined in Section 501(c)(3) of the Internal Revenue Code, animal rescue, or adoption organization if requested by the organization.

SEC. 5. 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.