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SB-371 Undomesticated burros. (2023-2024)

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Senate Bill No. 371

CHAPTER 149

An act to amend Section 53074.5 of the Government Code, relating to undomesticated burros.

[Approved by Governor September 01, 2023. Filed with Secretary of State September 01, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 371, Ochoa Bogh. Undomesticated burros.

Existing law authorizes an officer or employee of a local animal control agency to remove an undomesticated burro, as defined, that strays onto private land at the request of the landowner. Existing law authorizes an officer or employee of a local animal control agency to remove an undomesticated burro that strays onto a public roadway, as provided, and to provide medical care or treatment to an undomesticated burro that is seriously ill or injured, as provided.

This bill would also authorize a nonprofit organization, as defined, that contracts with a county to provide services to undomesticated burros to remove an undomesticated burro that strays onto private land, to remove an undomesticated burro that strays onto a public roadway, and to provide medical care or treatment to an undomesticated burro that is seriously ill or injured, as provided.

This bill would authorize the local animal control agency, or an authorized nonprofit organization that contracts with a county to provide services to undomesticated burros, to relocate an undomesticated burro that is unfit for release to an appropriate facility or private adopter as authorized by the local animal control agency. The bill would give a local animal control agency the sole discretion, for specified purposes, to deem an undomesticated burro unfit for release and to deem it fit for re-release. The bill would exclude from the definition of "undomesticated burro" an animal that is permanently relocated to an appropriate facility or private adopter, as provided. To be eligible to enter into a contract with a local animal control agency under these provisions, the bill would require a nonprofit organization to have submitted a euthanasia policy that is compliant with specified regulations for review and approval by the contracting local animal control agency and to retain a copy of this policy on file.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

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

SECTION 1. Section 53074.5 of the Government Code is amended to read:

53074.5. (a) For purposes of this section, the following definitions apply:

(1) "Nonprofit organization" means a private, nonprofit organization that qualifies for exempt status under Section 501(c)(3) of the United States Internal Revenue Code.

(2) "Undomesticated burro" means a wild burro or a burro that has not been tamed or domesticated for a period of three years after its capture, except as provided in paragraph (3) of subdivision (e), and is not protected by the federal government under the federal Wild Free-Roaming Horses and Burros Act (Chapter 30 (commencing with Section 1331) of Title 16 of the United States Code).

(b) At the request of the landowner, an officer or employee of a local animal control agency, or a nonprofit organization that contracts with a county to provide services to undomesticated burros, may remove an undomesticated burro that strays onto private land.

(c) An officer or employee of a local animal control agency, or a nonprofit organization that contracts with a county to provide services to undomesticated burros, may remove an undomesticated burro that strays onto a public roadway to ensure public safety.

(d) An officer or employee of a local animal control agency, or a nonprofit organization that contracts with a county to provide services to undomesticated burros, may provide medical care or treatment, including, but not limited to, euthanasia if medically appropriate, to an undomesticated burro that is seriously ill or injured.

(e) (1) A local animal control agency, or an authorized nonprofit organization that contracts with a county to provide services to undomesticated burros, may relocate an undomesticated burro that is unfit for release to an appropriate facility or private adopter as authorized by the local animal control agency.

(2) A local animal control agency shall, for purposes of this subdivision, have the sole discretion to deem an undomesticated burro unfit for release and to deem an undomesticated burro fit for re-release.

(3) An undomesticated burro that is permanently relocated to an appropriate facility or private adopter shall no longer be deemed an undomesticated burro for purposes of this section.

(f) To be eligible to enter into a contract with a local animal control agency for purposes of this section, a nonprofit organization shall have submitted a euthanasia policy that is compliant with Section 2030 of Title 16 of the California Code of Regulations for review and approval by the contracting local animal control agency and retain a copy of this policy on file.