

Date of Hearing: April 27, 2016

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Susan Talamantes Eggman, Chair

AB 1825 (Gordon and Maienschein) – As Introduced February 8, 2016

SUBJECT: Vicious dogs: definition.

SUMMARY: Removes from the definition of "vicious dog" any dog seized from a dog fighting operation.

EXISTING LAW:

- 1) Provides for the designation and disposition of certain categories of dogs as "potentially dangerous" or "vicious" pursuant to a specified judicial process, requires these designations to be included in the registration records of the dog, and places certain restrictions on dogs deemed potentially dangerous or vicious.
- 2) Defines "vicious dog" to mean any of the following:
 - a) Any dog seized pursuant to existing laws governing dog fighting operations, as specified;
 - b) Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being; or,
 - c) Any dog previously determined to be and currently listed as a "potentially dangerous" dog which, after its owner or keeper has been notified of this determination, continues the behavior of a potentially dangerous dog or is maintained in violation of existing laws governing the requirements for keeping a potentially dangerous dog, as specified.

FISCAL EFFECT: None

COMMENTS:

- 1) **Bill Summary.** This bill removes from the definition of "vicious dog" any dog seized from a dog fighting operation. This bill is sponsored by Best Friends Animal Society.
- 2) **Author's Statement.** According to the author, "Under existing law (Food and Agricultural Code Section 31603), canines seized in connection with criminal dog fighting convictions are automatically deemed 'vicious' without any evaluation of the dog's health, age, behavior, or demeanor before the dog is labeled. These animals are thus considered legally vicious, regardless of whether there is any evidence of unprovoked attacks or infliction of severe injuries (the standards for a designation for all other dogs). This is often a death sentence for dogs..."

"AB 1825 would remove the requirement in existing law that dogs seized in connection with animal fighting cases be automatically labeled vicious. This will allow all dogs to be judged by their own health and behavior, and provide humanitarians and sanctuaries the opportunity to give a dog or puppy seized as a victim of animal abuse an opportunity to live a safe and cruelty-free life."

- 3) **Background.** Current laws governing potentially dangerous or vicious dogs, which were established in 1989 following a spate of dog attacks in California, outline the process for designating a dog as either potentially dangerous or vicious. These laws also set forth the requirements that owners must follow if their dog has been determined to be potentially dangerous or vicious, which cover matters such as licensure and vaccination, special licensing or registration fees, confinement, and notification of animal control departments if the dog changes location.

In the case of a dog that has been labeled "vicious," existing law authorizes animal control departments to destroy a vicious dog under specified conditions, requires a judicial authority to impose conditions upon ownership, and allows local jurisdictions to place restrictions on an owner of a vicious dog. Current law also allows cities or counties to impose more restrictive programs to control potentially dangerous or vicious dogs, provided they are not breed-specific (with an exception for mandatory spay and neuter programs). Violations of current law governing vicious dogs carry a penalty of up to \$1,000.

Current law automatically designates any dog seized under penal code statutes related to dog fighting as a "vicious" dog, without regard to behavior, background, age or any kind of evaluation. Dogs seized in such operations often include dogs kept exclusively for breeding, puppies, and pets that have been stolen and used as "bait" dogs.

Proponents of this measure note that a stray dog that arrives at an animal shelter without any known history is not presumed to pose a risk. The animal would be evaluated by shelter staff members, who are trained in techniques developed by animal sheltering professionals. Proponents argue that victims of animal cruelty that are rescued from dog-fighting rings should receive these same evaluations, instead of being automatically labeled as vicious.

According to news reports about dog-fighting operations, many dogs that are recovered from these conditions are found to be suitable for adoption. According to proponents, the most well-known animal fighting victims are the dogs seized on the property of NFL player Michael Vick. After evaluation, only one of those 49 dogs was found to be "vicious" and euthanized. The remaining 48 dogs that were recovered were eventually adopted or have been managed in sanctuaries. Some have even become therapy or service dogs. In 2009, in a large-scale seizure of more than 500 fighting dogs, individual evaluations were performed and a majority of the dogs were found to be suitable for placement.

- 4) **Arguments in Support.** Best Friends Animal Society, sponsor of this bill, writes, "Many dogs seized in connection with animal fighting do not pose any risk to other dogs or humans and go on to live healthy, happy lives...California's statute is inconsistent and outdated, and the mandate does not relate to the behavior of the individual dogs themselves. AB 1825 repeals this provision and restores local government shelter discretion for all victims of cruelty."
- 5) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

Best Friends Animal Society [SPONSOR]
American Society for the Prevention of Cruelty to Animals
Bay Area Alliance for Animals
Beagle Freedom Project
California Animal Control Directors Association
California Police Chiefs Association
City and County of San Francisco
City of Sacramento
Human Society of the United States
Kitty Bungalow Charm School for Wayward Cats
Latino Alliance for Animal Care Coalition
LIUNA Locals 777 & 792
Living Free Animal Sanctuary
New Leash on Life
Old Yeller Ranch Rescue
Palm Springs Animal Shelter
San Diego Humane Society
San Francisco SPCA
San Luis Obispo County Health Agency, Animal Services Division
Santa Barbara County Board of Supervisors
Santa Clara County Board of Supervisors
Sea World
Shadow's Fund
Stockton Animal Services
The Pet Care Foundation
The Peter Zippi Fund for Animals
Ventura County Board of Supervisors
Woods Humane Society

Opposition

None on file

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