

ASSEMBLY BILL**No. 1825**

**Introduced by Assembly Members Gordon and Maienschein
(Coauthors: Assembly Members Atkins, Baker, Bloom, Chang,
Chiu, Hadley, Kim, Lackey, Linder, Mullin, Quirk, Steinorth,
Mark Stone, and Williams)**

(Coauthors: Senators Allen, Block, Hill, Jackson, and Pan)

February 8, 2016

An act to amend Section 31603 of the Food and Agricultural Code, relating to dogs.

LEGISLATIVE COUNSEL'S DIGEST

AB 1825, as introduced, Gordon. Vicious dogs: definition.

Existing law provides for the designation and disposition of certain categories of dogs as potentially dangerous or vicious dogs pursuant to a specified judicial process, and requires that designation to be included in the registration records of the dog. Existing law defines the term "vicious dog" to include, among others, dogs seized pursuant to specified animal cruelty laws.

This bill would delete this category of dog from the above-specified definition of "vicious dog."

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

- 1 SECTION 1. Section 31603 of the Food and Agricultural Code
- 2 is amended to read:
- 3 31603. "Vicious dog" means any of the following:

AB 1825

— 2 —

- 1 ~~(a) Any dog seized under Section 599aa of the Penal Code and~~
2 ~~upon the sustaining of a conviction of the owner or keeper under~~
3 ~~subdivision (a) of Section 597.5 of the Penal Code.~~
4 ~~(b)~~
5 (a) Any dog ~~which, that,~~ when unprovoked, in an aggressive
6 manner, inflicts severe injury on or kills a human being.
7 ~~(c)~~
8 (b) Any dog previously determined to be and currently listed
9 as a potentially dangerous dog ~~which, that,~~ after its owner or keeper
10 has been notified of this determination, continues the behavior
11 described in Section 31602 or is maintained in violation of Section
12 31641, 31642, or 31643.

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Fact Sheet – Assembly Bill 1825 (Gordon/Maienschein)

Co-authors: Assembly Speaker Atkins, Assemblymembers Baker, Bloom, Chang, Chiu, Dababneh, Hadley, Kim, Lackey, Levine, Linder, Mullin, Quirk, Steinorth, Stone, and Williams
Senators Block, Hill, Jackson, Leno and Pan

GIVE CALIFORNIA'S CANINE VICTIMS OF ANIMAL FIGHTING CRIMES A CHANCE

Outdated CA law requires *all* puppies and dogs seized from convicted dog fighters to be deemed “vicious.”

Section 31603 (a) of Division 14 of the Food and Agricultural Code mandates that the label of “vicious dog” be automatically applied to “[a]ny dog seized under Section 599aa of the Penal Code and upon the sustaining of a conviction of the owner or keeper under subdivision (a) of Section 597.5 of the Penal Code.”

Under this requirement, local shelters are given no latitude to evaluate whether or not these victims actually pose any risk to public safety. It doesn't matter if the victim is an eight-week old puppy, a bait dog, a stolen pet, a breeding mother dog, or a dog who will thrive in a loving home.

The “vicious” label is often a death sentence for dogs.

Canine victims of cruelty deserve a second chance.

Many dogs seized in connection with animal fighting do not pose any risk to other dogs or humans and have gone on to live healthy, happy lives. In the high-profile case of dogs seized from the property of NFL player Michael Vick, 48 of 49 seized dogs were evaluated positively – some becoming therapy or service dogs. None of those dogs have been involved in incidents where when unprovoked caused severe injury or death of a human (the “vicious for cause” standards under California law).

In another large-scale seizure of more than 500 dogs in 2009, individual evaluations were performed and a high percentage of the dogs were not found to pose risks.



Rescued from Bad Newz Kennels, Jonny Justice found a loving family, became a therapy dog and was named ASPCA Dog of the Year. Photo credit: Parade.com

“When an officer rescues a dog from a life of fear and fighting, it is their hope that a new beginning awaits these survivors.”

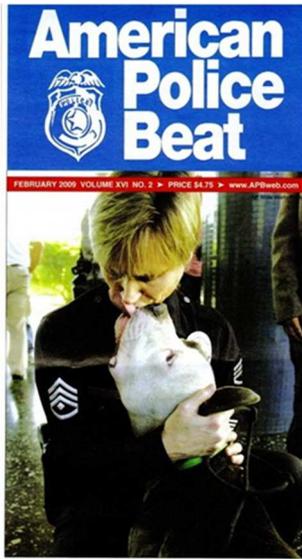
Automatically declaring them vicious condemns a dog to a life of strict confinement, which almost always means death. It is very difficult for an officer, who is sworn to stop the perpetrators and save the dogs from their grim circumstances, to feel as if they are punishing the victims of such violence. These dogs escape one grim fate, only to be forced into another.”

Jon Cicirelli
Dep. Director, Public Works/Animal Services
City of San Jose

AB 1825 allows California shelters to follow best practices to assess dogs.

Animal shelters often want to give a dog or puppy seized as a victim of cruelty an opportunity to live a cruelty-free life. This is possible in most states, where canine victims of animal fighting are subject to the same individual health and behavioral assessments as any dog brought into a shelter.

Trained shelter personnel routinely evaluate all incoming dogs for their suitability for adoption, placement with a rescue organization or another humane disposition. Stray dogs arrive at shelters with no known history and are not presumed to pose a risk – they are evaluated individually using techniques developed over years by animal sheltering professionals.



Los Angeles Police Officer Susan Brumagin, the lead investigator in a dog-fighting case, plays with a pitbull before the start of a news conference in Los Angeles. The department announced that it has made two arrests and rescued 17 dogs in the breakup of the operation.

Photo credit: apbweb.com

AB 1825 would protect seized canine victims of animal fighting to receive the same individual health and behavioral assessments as other dogs who are taken in by California animal shelters.

California shouldn't trail the nation on protecting canine victims.

In February 2011, the American Bar Association adopted a resolution to urge laws and policies to protect seized animals including an evaluation and behavioral assessment with humane euthanasia being the last resort.

Most states give canine victims of cruelty a chance for adoption or rehabilitation. Three states in the past five years (Delaware, Rhode Island, and Florida) have deleted similar provisions with strong bi-partisan support and without opposition.

California is one of only twelve remaining states with this inhumane requirement.

Assembly Bill 1825 will give canine victims of cruelty a second chance. Please vote YES on AB 1825.

"Over the past 40 years, I've been involved in numerous investigations into the sordid and cruel underworld of dogfighting.

There has always been a bittersweet component in knowing that the perpetrators of this organized crime would be out of business for a period of time once convicted, but the dogs seized in connection with the arrests -- the animals the dogfighters exploited as little more than gambling devices who were the true victims of this merciless crime -- would pay the ultimate price."

*Eric L. Sakach
Senior Law Enforcement Specialist
The Humane Society of the United States*

Supporters



Best Friends
ANIMAL SOCIETY

