



# HUMANE ADVOCATE



## CALIFORNIA LAWS

### CA Penal Code 398 - Dog Bites

- If an owner of an animal knows that the animal bit another person, they must provide the other person with their contact information and information about the animal.
- A violation is an infraction punishable by a fine.

### CA Penal Code 399 – Death from Mischievous Animals

- If any person who owns an animal and knows of its vicious propensities, allows it to run at large and the animal kills any person, the owner may be guilty of a felony. The court can order the removal of the animal or its humane euthanasia.

### CA Penal Code 399.5 – Substantial Injury or Death Caused by Dog Rained to fight, etc: Court Action

- Also known as “Cody’s Law” person owning or having custody or control of a dog trained to fight, attack, or kill is guilty of a felony or a misdemeanor. However, no person shall be criminally liable under this section unless they knew or reasonably should have known of the vicious or dangerous nature of the dog, or if the victim failed to take all the precautions that a reasonable person would normally take in the same situation.

### CA Penal Code 597 – Crimes against animals – Felony or Misdemeanor

- Anyone who maliciously and intentionally maims, mutilates, tortures, or wounds a living animal or maliciously and intentionally kills an animal, is guilty of an offense punishable by imprisonment or by a fine of no greater than \$20,000, or by both the fine and imprisonment.

### CA Penal Code 597a – Unnecessary torture, Suffering or Cruelty to Animal in Vehicle

- It is a misdemeanor for anyone to carry a domestic animal in a vehicle in a cruel manner, or knowingly and willfully authorizes or permits it to be subjected to unnecessary torture, suffering, or cruelty of any kind. If an officer takes a defendant into custody, the officer must take charge of such vehicle and its contents.

### CA Penal Code 597b – Fighting animals or cockfighting; prohibition; penalties; aiding and abetting

- It is forbidden for anyone from causing a fight between any animal or creature for amusement or gain, or allowing an animal fight to take place on their premises.
- It's a misdemeanor for anyone to be present at an animal fight.

### CA Penal Code 597c – Spectator of Animal Fighting: Misdemeanor

- Whoever owns, possesses, keeps, or trains any bird or animal with the intent that such animal shall be engaged in an exhibition of fighting, or is present at such exhibition, is guilty of a misdemeanor.

### CA Penal Code 597d – Fighting animal and birds: Entries and Arrests without Warrants

- Law enforcement officials are allowed to enter any place, building or tenement where there is an exhibition of the fighting of birds or animals, or where preparations are being made for such an exhibition, and, without a warrant, arrest all persons present.

### CA Penal Code 597f – Permitting animals to go without care; Veterinary care for injured cats and dogs

- Every owner of any animal, who permits the animal to be without proper care and attention, shall, on conviction, be deemed guilty or a misdemeanor.
- It's the duty of any peace officer, officer of the humane society, or officer of a pound or animal regulation of a public agency, to take possession of an abandoned or neglected animal and care for the animal until it is redeemed by its owner.
- Any injured stray or abandoned dogs and cats in a public place must be taken to a veterinarian known by the officer or agency to determine whether the animal should be immediately humanely euthanized or should it be hospitalized and given proper care and emergency treatment.

### CA Penal Code 597h – Fastening Live Animals to Machine to Lure Dogs

- Unlawful to attach any live animal to any machine or device propelled by power for the purpose of causing that animal to be pursued by a dog or dogs.

### CA Penal Code 597i – Trading in Implements for Fighting Birds

- It is unlawful for anyone to manufacture, buy, sell, barter, exchange, or have in their possession any of the implements commonly known as gaffs or slashers, or any other sharp implement designed to be attached in place of the natural spur of a gamecock or other fighting bird.

### CA Penal Code 597j – Possession of Gamecocks for Fighting Purposes

- Prohibits any person from owning, possessing or keeping any cock with the intent that it will be used in any exhibition of fighting.

### CA Penal Code 597s – Willful Abandonment of Animal

- Every person who willfully abandons an animal is guilty of a misdemeanor.

### CA Penal Code 597t – Confined Animals

- Requires an animal kept in an enclosed area be provided with an adequate exercise area.
- If an animal is restricted by a leash, rope or chain, the leash, rope or chain shall be affixed in such a manner that it will prevent the animal from becoming entangled or injured and permit the animal's access to adequate shelter, food and water.

### CA Penal Code 597z – Sale of dogs under 8 weeks of age

- It is a crime for any person to sell one or more dogs under eight weeks of age, unless, prior to any physical transfer of the dog or dogs from the seller to purchaser, the dog or dogs are approved for sale, as evidenced by written documentation from a veterinarian licensed to practice in California.

### CA Penal Code 597.1 – Permitting animals to go without care: Veterinary care for injured animals: Preseizure and Postseizure Hearings

- Every owner, driver or keeper of any animal who allows the animal to be in any building, enclosure, lane, street, square or lot of any city, county or judicial district without proper care and attention is guilty of a misdemeanor.
- Peace officers, humane society officers and animal control officers can euthanize or rehabilitate and place the stray or abandoned animal in a new home.

CA Penal Code 597.4 – Selling or giving away live animal on any public street, highway, parking lot; prohibition; punishment; exclusions; application

- It is unlawful (with exceptions) to sell or give away, as part of a commercial transaction, a live animal on any street, highway, public right-of-way, parking lot, carnival or boardwalk.
- First violation is an infraction punishable by a fine up to \$250. However if the animal suffers, is injured or its life or health is endangered, then the person is guilty of a misdemeanor.

CA Penal Code 597.5 – Fighting Dogs: Felony: Punishment: Spectators: Misdemeanor

- It is a felony to own, possess, keep or train any dog with the intent that the dog shall be engaged in an exhibition of fighting with another dog, or to cause dogs to fight for the purpose of amusement or gain.
- Knowingly being a spectator at such an event constitutes a misdemeanor.

CA Penal Code 597.7 – Animals in unattended motor vehicles

- No person shall leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability or death to the animal.
- A first conviction for violation is punishable by a fine not exceeding \$100 per animal. If the animal suffers great bodily injury, a violation of this section is punishable by a fine not exceeding \$500, imprisonment in a county jail not exceeding 6 months, or by both a fine and imprisonment. Penalty enhancements are provided for subsequent convictions.

CA Penal Code 598.1 – Petition for forfeiture of property associated with dogfighting

- The prosecuting attorney can file a petition for forfeiture in animal fighting cases under section 597.5 or subdivision (b) of Section 597b.
- Any property interest, whether tangible or intangible, that was acquired through the commission of any of the crimes listed in subdivision (a) of Section 597.5 or subdivision (b) of section 597b shall be subject to forfeiture, including both personal and real property, profits, proceeds, and the instrumentalities acquired, accumulated or used by cockfighting or dogfighting participants, organizers, transporters of animals and equipment, breeders and trainers of fighting birds or fighting dogs, and persons who steal or illegally obtain dogs or other animals for fighting, including bait and sparring animals.

CA Health and Safety Code 122335 – Prohibition against tethering dog to stationary object; exceptions; penalties

- No person shall tether, fasten, chain, tie or restrain a dog, or cause a dog to be tethered, fastened, chained, tied or restrained to a dog house, tree, fence or other stationary object.
- A person may tether, fasten, chain or tie a dog, but it must be no longer than is necessary for the person to complete a temporary task that requires the dog to be restrained for a reasonable period.
- A person who violates this chapter is guilty of an infraction or a misdemeanor. An animal control may issue a correction warning to a person who violates this chapter, requiring the owner to correct the violation in lieu of an infraction or misdemeanor, unless the violation endangers the health or safety of the animal, or the animal has been wounded as a result of the activity.