



# NATIONAL ANIMAL INTEREST ALLIANCE

*Supporting the people who care for America's animals*

June 22, 2008

Senator Gloria Negrete McLeod  
Chair, Senate Local Government Committee  
State Capitol, Room 2059  
Sacramento, CA 95814

Dear Chair McLeod:

I am writing on behalf of the National Animal Interest Alliance regarding AB 1634, which will come before your Local Government Committee in just a few days.

NAIA is a national organization whose role is to provide a moderate, balanced, fact-based perspective within the animal welfare debate. We are proud to represent a variety of animal interests including organized dog and cat enthusiasts, agriculture, medical research, veterinary medicine, wildlife management and pet owners across America. We have several thousand members in California who are concerned about animal welfare while preserving the rights of responsible animal owners.

We are grateful that last year's version of AB 1634, which included mandatory spay/neuter of most California dogs and cats has been eliminated, and we commend the committee for being so receptive to constituent concerns.

The new version shifts the approach from profiling all breeders and owners of intact pets to targeting the owners whose pets actually present a problem, a concept we generally support. Even so, we have strong objections to many of the provisions in the current version, and cannot support it without significant amendments. As currently drafted, AB 1634 would allow the imposition of penalties based on mere allegations, which the bill calls "complaints" with no provision for a hearing or an appeals process. The only complaint not included is an allegation of excessive noise or barking, making the scope of the bill unnecessarily broad.

To clarify intent, we believe that "complaints" as used in this section should be changed to a more formal process that leads to a citation, and applied only to pets that are impounded while running at large. Further, before any penalty can be imposed, the owner should be able to appeal the citation. Upon the third occurrence, and assuming a proper hearing has been granted, instead of a mandate ordering one specific penalty, discretion should be granted animal control agencies so they can order the most appropriate penalty, which could include spay/neuter. With these thoughts in mind, we would request the following amendments to strengthen and clarify the bill:

- Limit the scope and target of the citation to only those occurrences involving free-roaming pets that are impounded while running at large, and offer owners a process for disputing the claim against them before the imposition of any penalty. This will keep the law focused on preventing strays, overpopulation, and shelter crowding, which we understand to be the original intent. Allowing complaints to be issued for anything other than for being at large makes no sense and should not be applied to pets simply because of their reproductive status.

- Instead of simply raising the fine for a first occurrence from \$35 to \$50, something which is likely to prevent many owners from reclaiming their pets, consider requiring shelters to permanently identify impounded pets before releasing them to their owner. The cost of identification could be built into the cost of the current fine or replace it altogether. This would provide added value to the community as well as the owner, enabling animal control agencies to tie specific pets to specific owners so they can quickly reunite a pet with an owner or simply identify repeat offenders.
- For the second offense, require pet owners to perform some kind of service at their local animal control shelter or watch a film or presentation on responsible pet ownership. Again, raising fees will simply lower reclaim rates and raise euthanasia rates.
- For the third offense, spay/neuter could be allowed, but the ultimate penalty should be left to the discretion of animal control or other authorized/qualified personnel.
- Please retain the shelter reporting requirement. You cannot solve a problem that you can't define. Having shelter data from all the counties will provide an excellent starting point for defining pet population dynamics in California.

The reality is that pets will occasionally get loose from even the most responsible households despite the owners' best efforts to keep the animals on their property. But there are also people who take little or no precaution to properly confine their pets, with the result that their pets cause neighborhood problems and frequently land in shelters. The use of permanent positive identification in this situation – when returning an impounded shelter animal to his owner – would allow shelters to confidently distinguish between the one-time accidental stray and recurring offenders. There is no silver bullet solution, but requiring positive, permanent ID before returning impounded shelter pets to their owners would do more to reduce problems related to unconfined pets – including the unwanted litters they produce – than any other low-cost measure available. Generally speaking this requirement would be very well received by people who argue on both sides of AB 1634.

Thank you for the time and energy you have already devoted to the many versions of AB 1634 and for considering these critically important amendments. We feel hopeful that inclusion of these recommendations will build the support necessary to facilitate an effective outcome. Do not hesitate to contact me, or our representatives with the Dolphin Group, with any questions you might have.

Sincerely,



Patti Strand, Chairman and National Director