

Date of Hearing: April 21, 2026

Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 2344 (Haney) – As Amended March 19, 2026

As Proposed to be Amended in Committee

SUMMARY: Provides procedures that authorize courts to require forfeiture of an animal under specified circumstances. Specifically, **this bill:**

- 1) States that in a criminal case alleging violations of defined animal cruelty laws, the animal control agency in possession of an animal seized or impounded by a peace officer, officer of a humane society, or officer of an animal shelter or animal regulation department of a public agency may request that the prosecuting attorney file a petition requesting that, before final disposition, the court issue an order forfeiting the animal to the city, county, or seizing agency thirty days after a defendant fails to appear in court, as defined.
- 2) Provides that the prosecuting attorney shall file the petition for forfeiture with the superior court of the county in which the defendant has been charged with the commission of any of the defined crimes.
- 3) Establishes that the prosecuting attorney shall make service of process on the defendant. If the notice cannot be served by registered mail or personal delivery, the notices shall be published for at least three consecutive weeks on the website of the animal shelter in possession of the animal.
- 4) Requires the forfeiture proceeding to be set for hearing in the superior court in which the underlying criminal offense will be tried.
- 5) States that the forfeiture hearing shall be conducted within 14 days after the filing of the petition, or as soon as practicable.
- 6) Establishes that if the defendant fails to file a claim of interest in the animal or appear at the hearing, the court shall enter a response of denial on behalf of the defendant.
- 7) Provides that at the forfeiture hearing the animal control agency shall have the burden of establishing by a preponderance of the evidence that the defendant is not able to properly care for the animal. The court may take judicial notice of any prior testimony that occurred in a prior proceeding.
- 8) States that if the court finds that the petitioner has met its burden, the court shall order the immediate forfeiture of the animal as sought by the petition. If the court grants the petition the animal shall be adjudged by the court to be forfeited and thereafter shall be transferred to the animal control agency or appropriate entity for proper adoption or other disposition.

- 9) States that if a defendant charged with a violation of defined animal cruelty laws is granted diversion, the prosecution may request an order from the court that the defendant be prohibited from owning, possessing, caring for, or residing with, animals of any kind, and require the defendant to immediately deliver all animals in their possession to a designated public entity for adoption or other lawful disposition or provide proof to the court that the person no longer has possession, care, or control of any animals.

EXISTING LAW:

- 1) States that a person who maliciously and intentionally maims, mutilates, tortures, or wounds a living animal, or maliciously and intentionally kills an animal, is guilty of a crime punishable as an alternate felony/misdemeanor, or a fine of up to \$20,000, or by both fine and imprisonment, except as provided. (Pen. Code, § 597, subd. (a).)
- 2) Punishes a person who overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink, or shelter, cruelly beats, mutilates, or cruelly kills an animal, or causes or procures an animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, drink, shelter, or to be cruelly beaten, mutilated, or cruelly killed, as specified, with an alternate felony/misdemeanor, or a fine of up to \$20,000, or by both fine and imprisonment, except as provided. (Pen. Code, § 597, subd. (b).)
- 3) Requires, upon the conviction of a person charged with a defined animal cruelty violation, all animals lawfully seized and impounded with respect to the violation by a peace officer, officer of a humane society, or officer of an animal shelter or animal regulation department of a public agency be adjudged by the court to be forfeited. (Pen. Code, § 597, subd. (g)(1).)
- 4) Provides that every owner, driver, or keeper of any animal who permits the animal to be in any building, enclosure, lane, street, square, or lot of any city, county, city and county, or judicial district without proper care and attention is guilty of a misdemeanor. (Pen. Code, § 597.1, subd. (a)(1).)
- 5) States that an officer authorized under this section who seizes or impounds an animal based on a reasonable belief that prompt action is required to protect the health or safety of the animal or the health or safety of others, the officer shall, before the commencement of any criminal proceedings, provide the owner or keeper of the animal, if known or ascertainable after reasonable investigation, with the opportunity for a postseizure hearing to determine the validity of the seizure or impoundment, or both. (Pen. Code, § 597.1, subd. (f).)
- 6) Establishes procedures for postseizure hearings, as defined. (Pen. Code, § 597.1, subd. (f)(1)-(4).)
- 7) Establishes that it shall be unlawful for any person to willfully do either of the following:
 - a) 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.
 - b) Display or offer for sale, or display or offer to give away as part of a commercial transaction, a live animal, if the act of selling or giving away the live animal is to occur

on any street, highway, public right-of-way, parking lot, carnival, or boardwalk. (Pen. Code, § 597.4, subd. (a).)

- 8) Provides that any person who does any of the following is guilty of a felony and is punishable by imprisonment for 16 months, or two or three years, or by a fine not to exceed \$50,000, or by both that fine and imprisonment:
 - a) Owns, possesses, keeps, or trains any dog, with the intent that the dog shall be engaged in an exhibition of fighting with another dog.
 - b) For amusement or gain, causes any dog to fight with another dog, or causes any dogs to injure each other.
 - c) Permits any defined prohibited conduct to be done on any premises under his or her charge or control, or aids or abets that act. (Pen. Code, § 597.5, subd. (a).)
- 9) Prohibits any person convicted of defined animal cruelty crimes from owning, possessing, or caring for an animal for five or ten years. Violators are guilty of a public offense, punishable by a fine of \$1,000. (Pen. Code, § 597.9, subd. (a)-(b).)
- 10) States that whoever carries or causes to be carried in or upon any vehicle or otherwise any domestic animal in a cruel or inhuman manner, or knowingly and willfully authorizes or permits it to be subjected to unnecessary torture, suffering, or cruelty of any kind, is guilty of a misdemeanor. (Pen. Code, § 597a.)
- 11) Provides that any person who impounds, or causes to be impounded in any animal shelter, any domestic animal, shall supply it during confinement with a sufficient quantity of good and wholesome food and water, and in default thereof, is guilty of a misdemeanor. (Pen. Code, § 597e.)
- 12) States that the prosecuting agency in a criminal proceeding in which the defendant has been charged with the commission of any defined crimes may, in conjunction with the criminal proceeding, file a petition for forfeiture, as provided. (Pen. Code, § subd. (a)(1).)
- 13) Establishes procedures for forfeiture proceedings, as defined. (Pen. Code, § subd. (c).)
- 14) States that any person who willfully and maliciously and with no legal justification strikes, beats, kicks, cuts, stabs, shoots with a firearm, administers any poison or other harmful or stupefying substance to, or throws, hurls, or projects at, or places any rock, object, or other substance which is used in such a manner as to be capable of producing injury and likely to produce injury, on or in the path of, a horse being used by, or a dog under the supervision of, a peace officer in the discharge or attempted discharge of his or her duties, is guilty of a public offense. (Pen. Code, § 600, subd. (a).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** None submitted.

- 2) **Effect of the Bill:** AB 2344, as amended, would authorize an animal control agency in possession of an animal seized or impounded in animal cruelty or neglect cases to petition the court to issue an order before the final case disposition to forfeit the animal to the city, county, or seizing agency in defined situations. This bill would establish specific procedures authorizing forfeiture in these cases.

For example, the forfeiture hearing shall be conducted within 14 days after the filing of the petition, or as soon as practicable, and would be held in the same superior court where the underlying offense is tried. The petitioner would have the burden of establishing that, even in the event of an acquittal of the criminal charges, the owner would not be legally permitted to retain the animal in question. If the court finds that the petitioner has met its burden, the court shall order the immediate forfeiture of the animal as sought by the petition. While there does not appear to be a constitutional issue here, there may be some concern over whether this provision is necessary as it may create complications for incompetent defendants. AB 2339 would additionally establish that should the court grant the forfeiture petition, the animal shall be adjudged by the court to be forfeited and thereafter shall be transferred to the animal control agency or appropriate entity for proper adoption or other disposition.

There is precedent for these laws. Forfeiture and seizure hearings, under specific circumstances, already exist in the Penal Code. (See Pen. Codes, §§ 597.1-598.1.) A defendant who willfully fails to appear after being arrested for animal cruelty or neglect is made aware the animal has been taken to a shelter. (*Ibid.*) Additionally, when the defendant willfully fails to appear an argument could be made that this is a constructive abandonment.

This bill could help get animals out of shelters sooner and into foster situations where those animals should face reduced risks associated with long term confinement in a kennel, like “kennel syndrome.” Kennel syndrome is a term used to describe the severe stress and behavioral changes a dog can experience from prolonged confinement in a kennel, often seen in animal shelters.¹ Kennel syndrome produces behaviors that a dog adapts in survival mode.² This means “dominant or aggressive dogs can turn sweet and submissive in order to get the food or shelter they need to survive, as well as a submissive dog may turn dominant in order to gain respect or shelter.” Other behavioral changes indicating the dog is experiencing severe stress are common, too.³

According to the Los Angeles (LA) County District Attorney’s office, in LA County it costs \$105.80/day to shelter a dog or cat. This amount totals \$2,962.40 per month and \$35,548.80 per year. According to the LA County Department of Animal Care and Control, the average length of stay for an animal whose case dispositioned without a specified failure to appear was 94 days, which equates to approximately \$10,000 per animal. For the animals being held that have not dispositioned, the average length of stay is 281 days, which is roughly \$30,000 per animal. This number is constantly increasing, as well.

- 3) **Argument in Support:** No longer applicable.

¹ Cabral, R. *Kennel Syndrome* (2009) Bound Angels <https://boundangels.org/wp-content/uploads/kennel_syndrome.pdf> [as of Apr. 16, 2026].

² *Ibid.*

³ *Ibid.*

4) **Argument in Opposition:** No longer applicable.

5) **Prior Legislation:**

- a) AB 631 (Lee), of the 2025-26 Legislative Session, would have required animal shelters, as defined, to collect and record the number of animals taken in, the source of intake, and the outcomes for all animals, as specified. AB 631 was held in the Senate Appropriations Committee.
- b) AB 1482 (Castillo), of the 2025-26 Legislative Session, would have required an animal shelter, as defined, to provide in a conspicuous location on its internet website or a third-party internet website a list of all animals that are available for adoption or that are being held pursuant to specified laws, except as provided. AB 1482 was held in the Assembly Appropriations Committee.
- c) AB 829 (Waldron), Chapter 546, Statutes of 2023, deleted the requirement that a defendant granted probation complete counseling and, instead, requires the court to order a defendant convicted of specified offenses against animals and granted probation to successfully complete counseling designed to evaluate and treat behavior or conduct disorders.
- d) AB 554 (Gabriel), of the 2023-24 Legislative Session, would have authorized a corporation, or humane officer thereof, proffering a complaint under existing law to bring it as a civil action to obtain specific or preventive injunctive relief to enforce laws relating to or affecting animal. AB 554 died on the Assembly Inactive File.
- e) AB 2425 (Essayli), of the 2023-24 Legislative Session, would have required an animal shelter, as defined, to provide in a conspicuous location on its internet website or a third-party internet website a list of all animals that are available for adoption or that are being held pursuant to specified laws, except as provided. AB 1482 was held in the Assembly Business & Professions Committee.
- f) SB 921 (Roth), of the 2023-24 Legislative Session, would have made it a crime to otherwise abuse or subject a living animal to needless suffering. SB 921 was held in the Senate Appropriations Committee.
- g) SB 922 (Roth), of the 2023-24 Legislative Session, would have increase fines for specified animal cruelty crimes to \$500 for a first offense and \$2,000 for a subsequent offense or if the animal suffers great bodily injury. SB 922 was held in the Senate Public Safety Committee.
- h) SB 1277 (Florez), of the 2009-10 Legislative Session, would have authorized DOJ to create a registry for people convicted of specified animal abuse offenses. SB 1277 died in the Senate Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

No longer applicable.

Opposition

No longer applicable.

Analysis Prepared by: Dustin Weber / PUB. S. / (916) 319-3744