

ASSEMBLY THIRD READING
AB 2344 (Haney)
As Amended April 23, 2026
Majority vote

SUMMARY

Provides procedures that authorize courts to require forfeiture of an animal under specified circumstances.

Major Provisions

- 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.

COMMENTS

According to the Author

According to the author, "Animals rescued from abuse should not be stuck in cages for months or even years just because a court case is still dragging on. But that is exactly what happens now. While cases stay open, these animals are often left in shelters or animal control facilities far longer than necessary, taking up limited space and resources that other animals also need. The longer they are forced to wait, the greater the risk of stress, sickness, declining health, and lasting behavioral trauma.

"AB 2344 offers a simple fix. It allows shelters to ask the court for permission to place abused animals with the right agency or into a safe adoptive home before the case is over. That means vulnerable animals can get out of overcrowded shelters and into stable, loving homes sooner. By cutting down these unnecessary delays, AB 2344 protects animal welfare, eases pressure on shelters, and helps make sure rescued animals get the care and second chance they deserve."

Arguments in Support

According to *Angel's Furry Friends Rescue*, "We write on behalf of the undersigned organizations to thank you for authoring AB 2344. We strongly support this important legislation, which would allow prosecuting attorneys to file a petition requesting court-ordered forfeiture of animal seized in animal abuse cases if the accused fails to appear in court. By doing so, this bill will allow these animals to be adopted before the disposition of the case, which can last months or even years.

"Animals rescued from abuse should not be forced to spend months or even years in shelter kennels simply because a court case is still pending, yet that is what often happens today. While cases drag on, these animals remain in shelters or animal control facilities far longer than necessary, taking up limited space and resources and face greater risks of stress, illness, declining health, and lasting behavioral trauma.

"In Los Angeles County, it costs about \$105 a day to house just one animal. As more animals from cruelty cases remain in shelters for long periods, those costs continue to grow. Shelters are supposed to operate at about 75 to 80 percent capacity, but Los Angeles County shelters are currently operating at more than 100 percent capacity. That overcrowding means fewer resources and less care for every animal. In the worst cases, shelters may have to consider euthanasia simply to make room.

"Long shelter stays also harm the animals themselves. Research has found that animals kept in shelters for long periods are much more likely to develop severe stress and behavior problems, making them harder to adopt. Some dogs become "kennel crazy" after being confined for too long, leading to anxiety, aggression, and even self-destructive behavior.

"AB 2344 helps to alleviate this problem by giving prosecutors the option to petition the court to mandate forfeiture of these animals without waiting for the often lengthy and uncertain duration of a case. Animals involved in previous animal cruelty cases often come from a history of abuse

and mistreatment. This bill will put an end to the delay in care, ensuring that vulnerable animals are able to be placed in safe, stable homes in a timely manner.

"For these reasons, we again thank you for authoring this important policy and respectfully urges your colleagues in the legislature to vote 'AYE' on AB 2344."

Arguments in Opposition

No longer applicable.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Workload costs (Trial Court Trust Fund, General Fund) of an unknown amount to the trial courts to hear pre-disposition forfeiture petitions within 14 days of filing. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a need for increased funding for courts from the General Fund.
- 2) Workload costs (local funds) to county district attorneys to file forfeiture petitions and serve process on defendants. County district attorney costs are not state-mandated local program costs absent a determination by the Commission on State Mandates.
- 3) Workload costs (local funds) to local animal control agencies to request forfeiture petitions, publish notices on agency websites where service by registered mail or personal delivery is unsuccessful, attend hearings, and arrange adoption or other disposition of forfeited animals.
- 4) Potential offsetting savings to local animal control agencies from reduced shelter-holding costs for animals seized in connection with criminal cases where the defendant has failed to appear. The Public Safety analysis cites Los Angeles County Department of Animal Care and Control figures indicating shelter costs of approximately \$105.80 per animal per day, and reports that the average length of stay for an animal whose case has not been dispositioned is 281 days, equating to approximately \$30,000 per animal. Magnitude depends on how often the forfeiture authority is invoked and varies by county.

VOTES

ASM PUBLIC SAFETY: 9-0-0

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

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