
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguin, Chair
2025 - 2026 Regular

Bill No: AB 2344 **Hearing Date:** June 23, 2026
Author: Haney
Version: June 11, 2026
Urgency: No **Fiscal:** Yes
Consultant: NDT

Subject: *Animal abuse: forfeiture*

HISTORY

Source: Los Angeles County District Attorney's Office; Social Compassion in Legislation

Prior Legislation: AB 631 (Lee), held in Senate Appropriations, 2025
AB 1482 (Castillo), held in Senate Appropriations, 2025
AB 2425 (Essayli), held in Senate Bus. & Prof., 2024
SB 921 (Roth), held in Senate Appropriations, 2024
SB 922 (Roth), held in Senate Public Safety, 2024
AB 829 (Waldron), Ch. 546, Stats. of 2023
AB 554 (Gabriel), moved to Inactive File, 2023

Support: Angel's Furry Friends Rescue; Animal Rescue Mission; Animal Rescuers for Change; Animal Wellness Action; Berkeley Animal Rights Center; Better Together Forever; Born Again Animal Rescue and Adoption; Compassionate Bay; Concerned Citizens Animal Rescue; Eartheart; Feline Lucky Adventures; Giantmecha Syndicate; Greater Los Angeles Animal Spay Neuter Collaborative; Hugs and Kisses Animal Fund; Jaimie Brianna's Legacy Fund; Latino Alliance for Animal Care Foundation; Lockwood Animal Rescue Center; Long Beach Spay and Neuter Foundation; Los Angeles Democrats for the Protection of Animals; NY 4 Whale; Pibbles N Kibbles Animal Rescue; Plant-based Advocates; Project Minnie; Rabbit Savior; Real Good Rescue; Seeds 4 Change Now Animal Rescue; Seniors Citizens for Humane Education and Legislation; Students Against Animal Cruelty Club - Hueneme High School; The Canine Condition; The Pet Loss Support Group; The Spayce Project; Underdog Heroes; Women United for Animal Welfare; Over 950 individuals

Opposition: None known

Assembly Floor Vote: 78 - 0

PURPOSE

The purpose of this bill is to establish procedures authorizing a court, in a criminal case alleging specified animal cruelty offenses, to order forfeiture of a seized or impounded animal before final disposition of the criminal case, 30 days after the defendant fails to appear in court, and authorize the prosecution, where a defendant charged with specified animal cruelty offenses is granted diversion, to request a court order prohibiting the defendant from owning, possessing, caring for, or residing with animals.

Existing law provides that a person who has sexual contact with an animal is guilty of a misdemeanor, as specified. (Pen. Code, § 286.5, subd. (a).)

Existing law provides that a person who, without the consent of the owner willfully administers poison to another person's animal, as specified, is guilty of a misdemeanor. (Pen. Code, § 596.)

Existing law provides 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 misdemeanor-felony, or a fine of up to \$20,000, or by both fine and imprisonment, except as provided. (Pen. Code, § 597, subd. (a).)

Existing law 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).)

Existing law provides 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.)

Existing law provides that, for amusement or gain, owns, possesses, keeps, trains or causes a bull, bear, cock, or other animal, as specified, to fight with another animal or creature or human, is guilty of a misdemeanor or felony, as specified. (Pen. Code, § 597b; Pen. Code, § 597j.)

Existing law provides that any person who ties, attaches, or fastens any live animal to any machine or device propelled by any power for the purpose of causing that animal to be pursued by a dog or dogs is guilty of a misdemeanor. (Pen. Code, § 597h.)

Existing law provides that every person who willfully abandons any animal is guilty of a misdemeanor. (Pen. Code, § 597s.)

Existing law 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).)

Existing law 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:

- Owns, possesses, keeps, or trains any dog, with the intent that the dog shall be engaged in an exhibition of fighting with another dog.
- For amusement or gain, causes any dog to fight with another dog, or causes any dogs to injure each other.

- 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).)

Existing law 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).)

Existing law states that an authorized officer, as specified, 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).)

Existing law establishes procedures for postseizure hearings, as defined. (Pen. Code, § 597.1, subd. (f)(1)-(4).)

Existing law prohibits any person convicted of defined animal cruelty crimes from owning, possessing, or caring for an animal for five or ten years. Existing law states that violators are guilty of a public offense, punishable by a fine of \$1,000. (Pen. Code, § 597.9, subd. (a)-(b).)

Existing law 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.)

Existing law 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, § 598.1, subd. (a)(1).)

Existing law establishes procedures for forfeiture proceedings, as defined. (Pen. Code, § 598.1, subd. (c).)

This bill provides 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.

This bill requires the prosecuting attorney to 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.

This bill requires the prosecuting attorney to 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.

This bill requires the forfeiture proceeding to be set for hearing in the superior court in which the underlying criminal offense will be tried.

This bill requires the forfeiture hearing to be conducted within 14 days after the filing of the petition, or as soon as practicable.

This bill requires the court to enter a response of denial on behalf of the defendant if the defendant fails to file a claim of interest in the animal or appear at the hearing.

This bill 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.

This bill authorizes the court, at the forfeiture hearing, to take judicial notice of any prior testimony that occurred in a prior proceeding.

This bill 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.

This bill provides 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

1. Need for This Bill

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.

2. Court-Held Animals

There are many ways that a seized animal may end up being held in the shelter.¹ Firstly, if an animal is in immediate danger, a responding officer is required by law to seize them and provide care and treatment for them until the matter is later resolved through the legal process. (Pen. Code, § 597.1.) If the need for immediate seizure is not present, and before criminal proceedings have commenced, an agency must offer a pre-seizure hearing to the owner of the animal where the owner can present evidence as to why the animal should not be seized. If the owner does not participate, the hearing officer may order that the animal be seized for its own protection. In reality, seized animals are unlikely to be returned if the owner is unable to pay for its release. According to Los Angeles County Animal Care and Control:

If the hearing officer finds that the animals were properly seized, the costs of care are a lien on the animals and they will not be returned (if authorized to do so) until the owner has satisfied the lien within 14 days. If the animals are not authorized to be released, the owner must continue to pay the costs of their care until the matter is ultimately resolved, usually through criminal proceedings regarding animal cruelty and neglect charges. If the owner fails to pay the lien, the animals are determined to be forfeited to the seizing agency for adoption or other disposition. If the seizure is not upheld, the seizing agency is responsible for the animals' costs of care.²

Separately, animals may end up in a shelter if they are lost or considered vicious. Stray or lost animals are held for a certain amount of time, with public notice or with notice to the known owner. (Food & Ag. Code, § 31107.) If an animal is considered vicious, while a animal control officer or law enforcement officer petitions a superior court to have a hearing for the vicious animal, which cities and counties may establish as administrative proceedings, the animal may be held at the shelter. (Food & Ag. Code, § 31621.)

Animals may also be seized under a search warrant. (Pen. Code, § 1524.) Those animals are retained under the authority of the court.³ In theory, seized animals on a court hold could be fostered or sent to rescues. However, because the animals are evidence and chain of custody laws regarding animals are unclear, shelters are reticent to place animals in foster homes where the animal could potentially more easily escape, jeopardizing the criminal case. Therefore, these animals are often held for months or even years as the case resolves.⁴

Animals can often be seized in large numbers, sometimes all at once. Authorities in Los Angeles (LA) reported, in March 2026, seizing more than 300 animals in one operation.⁵ Those animals must then be held and cared for. According to the 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

¹ Los Angeles County Animal Care and Control (2025). *How Animal Seizures Work Under the Law* <https://animalcare.lacounty.gov/news/how-animal-seizures-work-under-the-law/>

² *Ibid.*

³ *Ibid.*

⁴ ASPCA (2026) *Position Statement on Protection of Animal Cruelty Victims* <https://www.aspc.org/about-us/aspc-policy-and-position-statements/position-statement-protection-animal-cruelty-victims>

⁵ NBC Los Angeles (March 2026) *Shelter seeks adopters after LA County removes more than 300 animals* <https://www.nbclosangeles.com/news/local/shelters-seek-adopters-after-la-county-removes-more-than-300-animals/3864897/>

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. Government shelters, already overrun in both large urban counties and smaller rural communities, must grapple with this unpredictable but ever increase influx of animals.⁶

3. Animal Welfare

Confined animal face reduced risks associated with long term stays 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.⁷ Kennel syndrome produces behaviors that a dog adapts in survival mode.⁸ 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.⁹ Animals with behavioral issues are often harder to adopt out.

Animal shelters are also at increased risk of spreading infectious disease when they are overcrowded.¹⁰

4. Similar Legislation

In Hawaii, shelters or humane societies that house animals seized from animal cruelty cases are allowed to petition the court for early forfeiture of the animal before the case concludes.¹¹ The forfeiture hearing takes place within 14 days after the petition is filed.

In Oregon, the county animal agency that the abused animal is held at, or the district attorney, is allowed to file a petition to the court requesting the forfeiture of the abused animal to the county or animal care agency prior to the final outcome of the criminal action charging a violation of animal abuse in the second degree, sexual assault of an animal, abandonment of the animal, involvement in animal fighting, dogfighting, or cockfighting.¹² Upon 14 days after filing the petition, the hearing shall be conducted.

In Tennessee, certain local shelters have reached agreements with their District Attorney’s Offices to place held animals in foster homes.¹³

⁶ Valley Humane (July 2025) *Undervalued and Underfunded: The Quiet Crisis Facing Animal Shelters* <https://valleyhumane.org/blog/undervalued-and-underfunded-the-quiet-crisis-facing-animal-shelters/>

⁷ Bound Angels (2009). *Kennel Syndrome* https://boundangels.org/wp-content/uploads/kennel_syndrome.pdf

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ ASPCA (2026) *Infection Control in the Shelter*

<https://www.aspcapro.org/sites/default/files/shelterinfectioncontrol.pdf>; Best Friends Network Partners (2026) *Infections Disease Outbreak Response Playbook* <https://bestfriends.org/network/resources-tools/infectious-disease-outbreak-response-playbook>

¹¹ Hawaii Revised Statutes § 711-1109.2.

¹² Oregon Statutes 167.347.

¹³ Human Animal Support Services (Jan. 2024). *Advocating for Court Case Animals*

<https://www.humananimalsupportservices.org/blog/data-insight-advocating-for-court-case-animals/>

5. Effect of This Bill

This bill provides 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 the criminal case resolves, 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. This bill requires the forfeiture hearing to be conducted within 14 days after the filing of the petition, or as soon as practicable. The court is required to enter a response of denial on behalf of the defendant if the defendant fails to file a claim of interest in the animal or appear at the hearing.

When the defendant willfully fails to appear, an argument could be made that they have constructively abandoned the animal. However, the Committee may wish to consider making more explicit in this bill how a defendant can pause these proceedings by presenting a good cause excuse for their failure to appear.

Should the defendant be unable to be given notice of this proceeding, this bill would establish specific procedures authorizing forfeiture, including providing notice on an internet website. The Committee may choose to consider providing guidance on what information should be included in the notice, so that affected defendants are not identifiable.

Because an offense listed in this bill makes it a misdemeanor for any owner of animals to permit the animal to be in any building or public space without proper care and attention, this bill may unduly impact unhoused or indigent individuals who have nowhere to keep their animals to protect them from harsh elements. (Pen. Code, § 597.1, subd. (a)(1).) The Committee may wish to consider if this offense should be removed from the bill. Practically, however, because seized animals require payment to retrieve, and because there is currently no mandated ability-to-pay process for retrieving seized animals, this bill may have a negligible effect on this issue.¹⁴ Furthermore, the majority of court held animals in California are from neglect cases, so removing this offense could reduce the intended fiscal efficacy of this bill.

The Committee may wish to consider clarifying the evidentiary chain of custody issues that present with fostering animals so that this bill may meet its stated goal of removing as many animals as possible from crowded shelter spaces.

This bill provides 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. This could lead to incarceration, as violation of a court order may be punished as criminal contempt. (Pen. Code, § 166.) Further, should, for example, a defendant be living in group living, it may be difficult for them to control whether or not they reside with an animal, as service animals of other residents would not be exempted from this provision, as written.

¹⁴ Shelter directors sometimes waive fees for indigent individuals but, under current law, fee waiver remains discretionary.

6. Argument in Support

According to the Los Angeles County District Attorney's Office, one of the bill's co-sponsors:

There are animals (primarily dogs and cats) that are in the possession of animal control agencies because a defendant is charged with an animal cruelty or neglect case that are unnecessarily languishing in shelters because the defendant has willfully failed to appear (FTA) or has had criminal proceedings suspended pursuant to Penal Code Section 1368 (Mental Health Diversion).

When an animal is held longer than necessary by an animal control agency it is both bad public policy and bad fiscal policy.

In Los Angeles County it costs \$105.80/day to shelter a dog or cat. This comes out to \$740.60/week; \$2,962.40/month; \$35,548.80/year. When a defendant fails to appear in court this results in a significant burden on the public agency/non-profit that operates the shelter. In the case of public agencies this burden is ultimately borne by the taxpayer. This is especially troublesome when all levels of government in California are dealing with massive budget deficits.

According to the Los Angeles County Department of Animal Care and Control the average length of stay for an animal whose case resolved without a FTA/ 1368 was 94 days which equates to a cost of approximately \$10,000 per animal. For the animals being held in which the defendant FTA, the average length of stay was 281 days which equates to approximately \$30,000 per animal (and this number increases daily).

In addition to the unnecessary burden on shelter budgets, the unnecessary housing of animals in cruelty/neglect cases contributes to the overcrowding of our animal shelters. Shelters strive to operate at 75-80% capacity. Today our Los Angeles County shelters are operating well over 100% capacity. This overcapacity results in some animals being euthanized that could have been adopted and increases the risk of disease spread in overcrowded shelters.

Just like inmates who suffer mental breakdowns from being incarcerated, animals suffer mental breakdowns from being sheltered. These animals go "kennel crazy" and engage in self destructive behavior and repetitive behaviors that make it much more likely that they will have to be euthanized.

"Kennel crazy" is a term used to describe the severe stress and behavioral changes an animal can experience from prolonged confinement in a kennel, often seen in animal shelters. Symptoms include excessive barking, pacing, destructive behavior, anxiety, aggression, and compulsive actions like spinning or self-harm. The primary "cure" is to get the animal out of the stressful kennel environment and into a home with proper exercise and enrichment.

AB 2344 would help eliminate these problems by authorizing an animal control agency in possession of an animal seized or impounded in animal cruelty/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.

AB 2344 also provides 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.

AB 2344 will help save the lives of innocent animals that were victims of cruelty and neglect and at the same time it will result in significant cost savings to both public and non-profit animal shelters.

-- END --