
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 2344 (Haney) - Animal abuse: forfeiture

Version: June 25, 2026

Urgency: No

Hearing Date: August 3, 2026

Policy Vote: PUB. S. 6 - 0

Mandate: Yes

Consultant: Bob Franzoia

Bill Summary: AB 2344 would establish procedures authorizing a court, in a criminal case, alleging animal cruelty offenses, to order forfeiture of an animal before final disposition of the case. By increasing duties on local prosecutors, this bill would impose a state mandated local program.

Fiscal Impact: Minor to moderate workload costs to district attorneys to file forfeiture petitions and serve process on defendants. Costs will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates. (General Fund)

Minor to moderate cost pressures on the courts to adjudicate new cases. An eight-hour court day costs approximately \$10,500 based on the hourly rate of court personnel including at minimum the judge, clerk, bailiff, court reporter, jury administrator, administrative staff, and jury per-diems. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources. The FY 2026-27 Budget appropriated \$70 million General Fund for this purpose (Trial Court Trust Fund, General Fund).

Unknown, potentially significant cost savings to the courts as a result of a more efficient animal disposition process and likely significant savings to animal control agencies from reduced sheltering costs. Whether animal control agency savings may partially or fully offset district attorney mandate claims would be determined by the Commission on State Mandates. (General Fund)

Background: A seized animal may wind up being held at a shelter from various paths. 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. 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. Rarely are seized animals returned if the owner is unable to pay for release.

Animals may be seized under a search warrant. Those animals are retained under the authority of the court. 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 escape, jeopardizing the criminal case. Therefore, these animals are often held for months or even years as the case is resolved.

Proposed Law: This bill would require the following:

In a criminal case alleging animal cruelty, the animal control agency in possession of an animal seized or impounded 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.

Require the prosecuting attorney to file the petition for forfeiture in the county in which the defendant has been charged with the commission of any of the crimes.

Require 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 three consecutive weeks on the website of the animal control agency.

Require 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.

At the forfeiture hearing the animal control agency shall have the burden of establishing by a preponderance of the evidence that the defendant is unable to care for the animal.

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 animal cruelty laws is granted diversion, the prosecution may request an order from the court that the defendant be prohibited from owning animals of any kind, and require the defendant to immediately deliver all animals in their possession to a public entity for adoption or provide proof to the court that the person no longer has possession, care, or control of any animals.

Staff Comments: Authorities in Los Angeles County seized more than 300 animals in one operation. Those animals must then be held and cared for. According to the Los Angeles County District Attorney's Office, in Los Angeles County, it costs \$105.80 a day to shelter a dog or cat. According to the Los Angeles 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 approximately \$30,000 per animal.

Between approximately June 2024 and June 2026, the Los Angeles County District Attorney's Office filed 303 animal abuse cases.

Proposed Author Amendments: The author has a suspense file amendment, as follows: On page 3, line 16, after the period insert: *The seizing agency or prosecution shall provide the animal shelter in possession of the animal with any information necessary to comply with this section.*