
THIRD READING

Bill No: AB 2344
Author: Haney (D), et al.
Amended: 8/13/26 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 6/23/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 5-0, 8/13/26
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab
NO VOTE RECORDED: Seyarto, Dahle

ASSEMBLY FLOOR: 78-0, 5/26/26 - See last page for vote

SUBJECT: Animal abuse: forfeiture

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

DIGEST: This bill, in a criminal case alleging a violation of specified animal abuse crimes, authorizes specified entities to 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 30 days after a defendant fails to appear in court, as specified. The bill authorizes those entities to request, and the court to issue, a forfeiture petition within 3 days after a defendant fails to appear in court a 2nd or subsequent time. The bill, if the defendant is granted diversion for those crimes, authorizes the prosecution to request an order from the court that the defendant be prohibited from owning, possessing, caring for, or residing with animals of any kind throughout the period of diversion, as specified.

ANALYSIS:

Existing law:

- 1) 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. (Penal (Pen.) Code, § 597, subd. (g)(1).)
- 2) States that a peace officer, humane society officer, or animal control officer may take possession of a stray or abandoned animal, as specified, and that the full cost of caring for and treating any animal properly seized because it is injured, abandoned, stray, or seized under a search warrant, shall constitute a lien on the animal, and the animal shall not be returned to its owner until the charges are paid, as specified. (Pen. Code, § 597.1, subds. (a)-(d).)
- 3) States that an authorized officer, as specified above, who seizes or impounds an animal under Penal Code section 597.1, 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).)
- 4) Establishes procedures for postseizure hearings, in certain circumstances. (Pen. Code, § 597.1, subd. (f)(1)-(4).)
- 5) 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 food and water, and in default thereof, is guilty of a misdemeanor. (Pen. Code, § 597e.)
- 6) 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).)
- 7) Establishes procedures for forfeiture proceedings, as defined. (Pen. Code, § 598.1, subd. (c).)

This bill:

- 1) Provides that in a criminal case alleging violations of enumerated 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) Authorizes those entities to request, and the court to issue, a forfeiture petition within 3 days after a defendant fails to appear in court a 2nd or subsequent time.
- 3) 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.
- 4) 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, as specified.
- 5) Requires that the seizing agency or prosecution shall provide the animal shelter in possession of the animal with any information necessary to comply, as specified.
- 6) Requires that no hearing be conducted pursuant to this section if, after notice of the hearing, the defendant appears in court for the underlying criminal case or is otherwise returned to custody.
- 7) 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 deemed forfeited by the court and thereafter shall be transferred to an animal control agency or appropriate entity for proper adoption or other disposition.
- 8) 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.
- 9) Creates other procedural provisions.

Background

A seized animal may wind up being held at a shelter from various paths. For example, an animal may be seized if it is stray or abandoned. It may be seized pursuant to a search warrant. It may be seized if an officer sees it in immediate danger.

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.

If an animal is in immediate danger, a responding officer is required by law to seize it and provide care and treatment for it until the matter is later resolved through the legal process. Seized animals are retained under the authority of the court. Some seized animals, including those seized pursuant to a search warrant, can be released following an established postseizure hearing. However, for animals not seized pursuant a search warrant or as otherwise specified, seized animals remain on a court hold until the criminal case is resolved.

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, waiting for the case to resolve.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Committee on Appropriations:

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)

SUPPORT: (Verified 8/13/26)

Los Angeles County District Attorney's Office (co-source)

Social Compassion in Legislation (co-source)

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

City of Los Angeles

City of Seal Beach

Compassionate Bay

Concerned Citizens Animal Rescue

Earthheart

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 Whales

Peace Officers Research Association of California (PORAC)

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, INC.
Women United for Animal Welfare
Multiple Individuals

OPPOSITION: (Verified 8/13/26)

Initiate Justice

ASSEMBLY FLOOR: 78-0, 5/26/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Muratsuchi, Celeste Rodriguez

Prepared by: Natalia DaSilva Telles / PUB. S. /
8/17/26 10:03:13

**** END ****