



ASSEMBLY MEMBER

Jesse Gabriel
DISTRICT 46



FACT SHEET

AB 554 – CALIFORNIA ANIMAL PROTECTION ENFORCEMENT ACT

SUMMARY

AB 554 would strengthen California's animal protection laws by clarifying that Societies for the Protection of Cruelty to Animals (SPCAs) can seek injunctive relief to enforce civil protection laws. AB 554 would clarify the existing path for private enforcement of animal cruelty laws while conserving judicial resources.

BACKGROUND

Current state law (California Corporations Code section 10404) authorizes SPCAs formed under California Corporations Code section 10400 to “proffer a complaint against any person, before any court or magistrate having jurisdiction, for the violation of any law relating to or affecting animals and may aid in the prosecution of the offender before the court or magistrate.” This law first appeared in the Civil Code in 1905 and was later moved to the Corporations Code in 1947.

While the intent of the legislation appears to authorize SPCAs to file complaints seeking a wide range of remedies such as injunctive relief (i.e. a court order requiring a person to do or cease doing a specific action instead of monetary damages) to prevent animal cruelty, this has not always been the case in practice.

The authority to “proffer a complaint” is not explicitly defined, and the remedy for injunctive relief is not as clear as it could be. Defendants frequently take advantage of this ambiguity, wasting court resources and applying the provision incorrectly, despite the fact that it is intended to give SPCAs civil enforcement power to prevent animal cruelty and other animal law violations.

There are a variety of reasons why government agencies may fail to enforce the law, including: inability to spend limited agency resources, reluctance to base a lawsuit on an open question of law, and prioritization of other issues.

SPCAs will be able to privately enforce animal protection laws even where government agencies do not have resources to do so, even where no human has been coincidentally injured by the illegal treatment of animals. Providing a clear path of SPCA enforcement for injunctive relief takes pressure off the criminal justice system to be the sole avenue for enforcement of animal protection laws.

THIS BILL

California enacted its animal cruelty law in 1872 and has enacted many other important and groundbreaking animal protection laws in recent years. However, civil enforcement of these laws is often necessary to ensure our desired effect. Statutory clarification that incorporated SPCAs have standing to civilly enforce animal protection laws would ensure a consistent statewide standard while saving the courts time and resources dealing with standing and related procedural issues.

SUPPORT

- Animal Legal Defense Fund (Sponsor)

CONTACT INFORMATION

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