

A Dog's Best Friend:  
The History of the Santa Clara County  
Humane Society

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An Essay Presented to the California  
Pioneers of Santa Clara  
County

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Virginia Gonzales  
382 Jerome Street  
San Jose, CA 95125  
(408) 298-5872



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### **Introduction**

Over the past forty years, the Santa Clara County Humane Society has developed into the most prominent animal shelter on the West Coast. Through trials and triumphs, dedicated workers have continued to work for animal rights and to find homes for as many animals as possible. They have helped people realize that the lives of humans and animals are intertwined. Our bond with these wonderful creatures is more than just pleasure. It is love and compassion for all living things. With the help of the Humane Society, we may have a better understanding of animal life and the need to live in harmonious co-existence with animals.

### **Establishment and Construction**

The Humane Society of Santa Clara County was established in 1929 by George F. Wakefield and Dr. John Davy, who became president and vice-president respectively of the organization. Their initial concern was the prevention of cruelty to children and animals. Eventually, however, they gave their whole attention to animals due to numerous problems concerning wild dogs and commercially used horses.

In 1951, City Trustee Joseph Kelley proposed to construct the animal shelter near the Owens-Corning Fiberglass Corporation plant at Kiefer Road and Lafayette Street in the city of Santa Clara. The shelter was built at 2530 Lafayette at Martin Avenue in Santa Clara, just off Central Expressway. It accommodated 150 dogs and fifty cats, and stables were built for stray horses, cows, goats, and pigs. It also included a modern gas chamber and crematory where animals that cannot be helped are disposed of painlessly. A three-room frame and stucco apartment was built for the shelter manager, Roy Reynolds, who was on call twenty-four hours a day.(1) "W. J. Company of Santa Clara was contractor for the shelter, plans for which were drawn by Kocher & Logue."(2)

The construction of the animal shelter cost \$57,000.(3) The first to be deposited was the one hundred dollar donation from the San Jose Kennel Club. The City of San Jose and Santa Clara each contributed six thousand dollars to the shelter fund and the City of Santa Clara contributed two thousand dollars. San Jose would furnish two hundred dollars, the county three hundred and fifty dollars and Santa Clara forty dollars, which provide money for maintenance. In 1949, the temporary animal shelter on Stevens Creek Road was sold for \$14,000.(4) "Paul Rudolph, vice-president and cashier of First National Bank of San Jose, was named the finance chairman of the Santa Clara County Humane Society building fund on January 14, 1949."(5)

### **Operation of Humane Society Animal Shelter**

After the construction of the animal shelter was completed, the dogs and cats were moved from the temporary shelter to the permanent location on Lafayette Street. The open house was scheduled to be on January 21, 1951; however, there was a problem in installing plumbing fixtures. The actual open house took place on February 4. More than 200 people gathered at the open house where cats and dogs were available for adoption for less than three dollars.(6)

In 1954, the Board of Directors suggested that the Humane Society refinance. The \$120 monthly mortgage fee was forgotten for a year in order to make more money to clean-up and gain needed workers such as managers and veterinarians. The shelter tried this idea, but they found the work to be too difficult because there were not enough employees to keep up the maintenance. Four years later the Humane Society of Santa Clara was accused of animal abuse by people in the community. They reported abuse, poor treatment, and unsanitary conditions. The shelter would later benefit from the membership drive and the accusations would end.

In September of 1957, the Humane Society led "the first all-out membership drive in history."(7) Their goal was to collect enough money to buy an animal ambulance and a pickup truck. They collected over \$2,500. The membership drive netted \$2,000 and the Veterans Society donated five hundred dollars.(8)The remainder of the cost of the two vehicles was raised by holding a rummage sale. They bought the animal ambulance in 1958. It was equipped with portable kennels which were useful for picking up stray animals.

### **Events and Changes: 1950s-1980s**

The Humane Society Board of Directors, including President J. W. Henderson, began the annual tradition of "Be Kind to Animals Week" in 1958. The observance of the Humane Week Celebration was scheduled for May 4-10. The Humane Society President J. W. Henderson declared May 4 "Humane Sunday." The Board of Directors believed that celebration of "Be Kind to Animals Week" would not only increase the awareness of the prevention of animal cruelty, but also increase the adoption of dogs and cats.

In 1976, the Humane Society was accused yet again of cruelty to animals. A customer reported witnessing employees overloading the decompression chambers with stray animals. The Santa Clara County supervisors sent fifteen members to investigate the charges on July 14, 1976.(9) People in the community said that the shelter had lack of veterinary care and demanded that the county shut down the shelter. The county made a compromise. The shelter would stay open if the shelter obtained a veterinarian and made changes in the shelter. Two employees, Milton Warnes and Hal Johnson, were fined seventy-five dollars and placed on probation for three months for improper usage of Euthanasia.(10)

The shelter experienced many changes after the investigation. The new board of directors, including executive director Bill R. Huskey, proposed to make several changes in the shelter. The shelter was now open seven days a week, compared to the weekday-only operation in the previous years. Before 1978, animals were not fed on Mondays in order to keep costs low; however, animals were fed daily after 1978. There were many employees hired including a wildlife specialist, Alice Johnson, a volunteer coordinator, and an adoption specialist, Amy Morris. Decompression chambers were replaced with injections of barbiturates.(11) Monthly pet store, kennel and poultry house inspections were conducted by two humane officers. These

changes vastly improved the condition of the shelter.

In the early 1980s there was a feline overpopulation. Many of these cats were strays and were not spayed or neutered. The felines experienced "abnormal excretions from the eyes, nose or ears, vomiting or lethargy." (12) Many of the animals were distempered and were not suitable for adoption. The animals that did not recover from the disease were euthanized. More than 1600 stray felines were put to death. (13)

The Humane Society organization asked for an eighty percent increase in fee to raise salaries in 1986. (14) The organization argued that much of the \$1.4 million budget in 1986 went towards the services that the Santa Clara Humane Society provided for Mountain View, as well as the shelter's own services. The organization threatened to shut the shelter down if wages were not increased. The County gave the employees a ten percent increase in wages and benefits and a five percent contract increase. (15) Though the employees were disappointed, they accepted the offer.

### **Recent Programs**

In June 1995, the Humane Society began planning many different programs. One program involved using pets to counsel abused children and, in hospitals, to bring patients out of comas.(16) This program has been tried at shelters nationwide. (17) They also started programs to educate the community and the public about reducing the number of homeless or unwanted animals. Another program was "People and Pets in Education Together." It is targeted at elementary schools to educate children about animal rights. These programs were launched in the fall of 1996 and are still in operation as of April 1999.

### **Core Services of the Humane Society**

The Humane Society is a not-for-profit membership organization. It is supported by public funds, program fees, and foundation and corporate grants. They rely heavily on individual donations rather than governmental funds because they are completely independent. In 1998, the Humane Society had more than 25,000 contributors including Premium Pet Stores, Inc. and United Way of Santa Clara Company.(18) The majority of the contributors give needed supplies to the shelter such as food, toys, or money.

The Humane Society has six core services: adoptions, education, lost and found, animal control, investigations and people programs. They also "maintain kennels for all animals, food, emergency treatment as required and humane, compassionate euthanasia when all other efforts fail."(19) Kathryn Philp, a Willow Glen High School teacher, recently shared her traumatic experience with the Humane Society's euthanasia program.

When our beloved 17-year-old cat, Kitty, was in her last stage of illness, my husband and I drove her to the Humane Society for euthanization. By the time we reached the front desk, with an obviously frail, miserable, and sick Kitty wrapped in an old brown towel, we were distraught and could no longer speak. The young woman at the desk, who initially asked us why we were there, soon recognized that neither my husband nor I could speak because we were there to do the unspeakable. And so, knowingly, she asked, "Do you want us to put your cat to sleep?" We nodded. The proper papers were filled out, and we were instructed to proceed to a private waiting cubicle where we said our farewells to Kitty for a few more minutes. Then, two gentlemen in white coats asked us to follow them into a room where they patiently sympathized with us, explained what the procedure would be, prepared Kitty for eternal life by shaving her leg at the site of the injection, asked us if we were ready, and then administered the shot that instantly removed her from the pain that she had experienced the last few days. Their thoughtfulness and understanding helped make the heart-breaking experience a whole lot easier for us. In our case, the compassion of the Humane Society extended to the owners as well as the animal. My husband and I thank them for making it a little less difficult to part with our very sick Kitty whose time had finally come.(20)

Unfortunately, this is something many people have experienced, but with the kindness and compassion of the Humane Society the ordeal is a lot less painful for both the animal and the owner.

The Humane Society's vision is to be the leader in the movement to educate the public of the value of animals and the need to live in harmony with them. They also wish to promote respect for animals and to become a role model for other agencies. Their mission has been to provide a community refuge for animals and aims for customer satisfaction, increased animal adoption and general animal welfare.(21) Their main focus is the prevention of animals becoming stray, abandoned and/or homeless through community outreach.

There are many different occupations at the Humane Society such as adoption counselors, veterinary technicians, groomers, and animal service officers. There are also several volunteer positions such as Hug-a-Pet, Rabbit Socializer, Cat Socializer, and Dog Socializer. Anyone sixteen years of age or older may apply for a volunteer position. Volunteers can also become "foster parents" who take care of young animals until they are able to be adopted.

### **Donations and Funds**

The Humane Society relies on support from individuals, grants, special events, corporate support and investment income. The Humane Society also receives funds from city Animal Service contracts. The Humane Society does not receive funds from the government . Though they do not receive funds from United Way, they do receive donations from them. In 1999, Hewlett Packard Company donated over \$17,000 worth of computer equipment.(22) This has helped improve the technology that the Humane Society has had in the past. Donations are also made from people in the community. There are a variety of ways they can donate money. They can do it by Direct Deposit Donations, Auto Donation programs, and Kids and Kindness Sponsorships. The Auto Donation program allows people to donate their vehicle and the shelter will receive money once the vehicle is sold.

### **Board of Directors and Statistics in 1998**

The Humane Society is governed by a volunteer board of directors which oversees an annual operating budget of about \$4 million. The President of the Board of Directors is Kenneth Bates. Christine B. Arnold is the executive director of the Humane Society.

The Humane Society cares for about 40,000 animals a year. In the past five years, the number of incoming animals amounted to about 42,000 animals per year. There were over 7,000 incoming animals in the months of October-December 1998. Of the 7,000 animals, 1,708 were adopted. Of the animals deemed adoptable, only ninety-one percent find loving homes. The remainder of the animals are either euthanized or are reclaims.(23)

### **Programs in 1999**

Senate Bill 1785, proposed by Senator Tom Hayden, will go into effect on July 1, 1999. The focus of this bill is to reduce the number of adoptable animals that are euthanized.(24) The bill, also known as SB1785, requires that all stray animals be held up to five days. This extends the length of time that animals have previously been held for by two days. This allows enough time for owners to reclaim their missing animal. Feral cats, owner-surrendered animals, and other animals will be held for up to four days. After their holding period is up, they are tested for health and temperament. Then they are placed in the adoption kennels in order to find a loving home.

Not everyone agrees with SB1785. Christine B. Arnold, executive director of the Humane Society, believes that the bill does not help reduce the number of euthanized animals, but in fact it increases the number of animals that are euthanized.(25) If these animals are kept longer than necessary, there will not be enough kennel space for adoptable animals. This would mean that the Humane Society would have to discontinue admitting owner-surrendered animals due to limited space. The Humane Society has no plans to expand to accommodate the animals. This bill should make the community more at ease. If their animal gets lost, they should be comforted with the thought that they will have enough time to reclaim their animal.

The only option that the Humane Society has left in order to accomplish its mission is to become a "no-kill" facility. This means that no adoptable animal can be euthanized. It allows the Humane Society to continue to admit strays and owner-surrendered animals, although there is still the chance that an animal may be sick or old and they will have to be humanely euthanized. Animals that are not deemed adoptable will not be accepted due to limited shelter space. Any animal that is not

accepted at the Humane Society will be accepted by local city shelters such as the Sonoma County Humane Society or the Marin Humane Society. These shelters have developed similar programs as well.

### **Conclusion**

The Humane Society of Santa Clara County has shown us the bond between animals and humans. They have given animals another chance at life and have given us a reason to smile. They are more than just an animal, but a friend also. They give more to us than we could ever give in return. That is why the Humane Society exists today. They are there to help our friends and to give them the love and respect that they deserve. They are open with loving arms and tender hearts because they care. The Humane Society is more than just a shelter; they are often an animals's best friend.

# Appendix

## COMPLETE BILL HISTORY

BILL NUMBER : S.B. No. 1785

AUTHOR : Hayden

TOPIC : Stray animals: duties of pounds and shelters.

## TYPE OF BILL :

Inactive  
Non-Urgency  
Non-Appropriations  
Majority Vote Required  
State-Mandated Local Program  
Fiscal  
Non-Tax Levy

## BILL HISTORY

1998

Sept. 23 Chaptered by Secretary of State. Chapter 752, Statutes of 1998.

Sept. 22 Approved by Governor.

Sept. 11 Enrolled. To Governor at 11 a.m.

Aug. 30 Senate concurs in Assembly amendments. (Ayes 22. Noes 9. Page 6508.) To enrollment.

Aug. 27 In Senate. To unfinished business.

Aug. 26 Read third time. Passed. (Ayes 72. Noes 3. Page 9073.) To Senate.

Aug. 24 Read third time. Amended. To third reading.

Aug. 21 From inactive file to third reading file.

Aug. 20 Notice of motion to remove from inactive file given by Assembly Member McClintock.

Aug. 6 Placed on inactive file on request of Assembly Member Bowen.

Aug. 3 Read second time. To third reading.

July 30 From committee: Do pass. (Ayes 12. Noes 7.)

June 23 From committee: Do pass, but first be re-referred to Com. on APPR. (Ayes 14. Noes 2.) Re-referred to Com. on APPR.

June 18 From committee with author's amendments. Read second time. Amended. Re-referred to committee.

June 4 To Com. on JUD.

May 21 In Assembly. Read first time. Held at Desk.

May 20 Read third time. Passed. (Ayes 24. Noes 5. Page 4686.) To Assembly.

May 19 From committee: Do pass. (Ayes 7. Noes 1. Page 4699.) Read second time. To third reading.

May 7 Set for hearing May 18.

Apr. 29 Read second time. Amended. Re-referred to Com. on APPR.

Apr. 28 From committee: Do pass as amended, but first amend, and re-refer to Com. on APPR. (Ayes 6. Noes 2. Page 4259.)

Apr. 16 Set for hearing April 21.

Apr. 14 From committee with author's amendments. Read second time. Amended. Re-referred to committee.

Mar. 3 To Com. on JUD.

Feb. 19 From print. May be acted upon on or after March 21.

Feb. 18 Introduced. Read first time. To Com. on RLS. for assignment. To print.

BILL NUMBER: SB 1785      INTRODUCED  
BILL TEXT

INTRODUCED BY      Senator Hayden

FEBRUARY 18, 1998

An act to amend Sections 1815, 1816, 1834, 1840, 1845, 1846, 1847, and 2080 of the Civil Code, to amend Sections 31108, 31752, and 32001 of, and to add Sections 32002 and 32003 to, the Food and Agricultural Code, and to amend Sections 597 and 597t of the Penal Code, relating to stray animals.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1785, as introduced, Hayden. Stray animals: duties of pounds and shelters.

Existing law specifies the rights and duties of persons who find lost property of another or who, either voluntarily or involuntarily, are the depositaries of the property of another. Existing law provides that involuntary depositaries are entitled to no reward for the thing deposited; however, finders are entitled to reasonable compensation for saving and taking care of the property. Existing law requires finders of lost property that has a value in excess of \$100 to turn the property over to the police or sheriff and file an affidavit if the owner is unknown or the property is unclaimed within a reasonable time, and specifies procedures to be followed by the police or sheriff regarding the further disposition of the property.

This bill would (1) provide that (a) a public or private entity that holds a stray, live animal shall be deemed an involuntary depositary; and (b) all depositaries and finders of live animals have a duty to provide them with food and shelter, and to treat them kindly and failure to do so may subject the depositary or finder to civil and criminal penalties, as specified; (2) exclude depositaries of live animals from the provision that involuntary depositaries are entitled to no consideration; and (3) specify that the provisions regarding the delivery of lost property to the police or sheriff and the further disposition by them shall not apply to live animals.

Existing law provides that no dog or cat impounded by a public pound or specified shelter shall be killed before 72 hours have elapsed from the time of impounding.

This bill would expand this minimum impound time to 5 business days and would require that the animal be released to a nonprofit animal rescue or adoption organization in specified circumstances.

Existing law requires public pounds and specified shelters to provide owners and finders of lost animals with specified services to restore the lost animals to their owners. Existing law specifies that these requirements are not mandatory duties and do not create a cause of action against public entities or employees.

This bill would declare that the duty to provide these services is a mandatory duty and creates a cause of action against public entities or employees. The bill would require public pounds and specified agencies to provide impounded animals with, food, shelter, exercise, and veterinary care, and to treat them kindly, and would specify that these duties are mandatory and any entity or employee that fails these duties may be subject to civil and criminal penalties, as specified. The bill would also require these pounds and shelters to keep specified records regarding impounded animals.

Because this bill would expand the scope of an existing crime and impose new duties on local officials, it would create a

state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1815 of the Civil Code is amended to read:

1815. An involuntary deposit is made:

~~1.~~

(a) By the accidental leaving or placing of personal property in the possession of any person, without negligence on the part of its owner ~~there,~~

~~2.~~

(b) In cases of fire, shipwreck, inundation, insurrection, riot, or like extraordinary emergencies, by the owner of personal property committing it, out of necessity, to the care of any person.

(c) By the delivery to, or pick-up by, and the holding of, a stray live animal by any public or private entity.

SEC. 2. Section 1816 of the Civil Code is amended to read:

1816. The person or public or private entity with whom a thing is deposited in the manner described in ~~the last section~~ Section 1815 is bound to take charge of it, if able to do so.

SEC. 3. Section 1834 of the Civil Code is amended to read:

1834. A depositary of living animals ~~must~~ shall provide them with suitable food and shelter, and treat them kindly. Any depositary that fails to perform these duties may, in addition to any other liability or penalty permitted by law, be liable for civil damages, including, but not limited to, damages for the loss of a companion animal, and may also be subject to criminal prosecution for cruelty to animals as provided in Section 597 of the Penal Code.

SEC. 4. Section 1840 of the Civil Code is amended to read:

~~(1840.) Section Eighteen Hundred and Forty. The~~  
1840. Except as provided in Section 1834, the liability of a depositary for negligence ~~cannot~~ may not exceed the amount ~~which he~~ the depositary is informed by the depositor, or has reason to suppose, that the thing deposited ~~to be~~ is worth.

SEC. 5. Section 1845 of the Civil Code is amended to read:

1845. An involuntary deposit is gratuitous, the depositary being entitled to no reward. However, this section does not apply to the involuntary deposit of any live animal.

SEC. 6. Section 1846 of the Civil Code is amended to read:

1846. (a) A gratuitous depositary must use, at least, slight care for the preservation of the thing deposited.

(b) A gratuitous depositary of a living animal shall provide the animal with suitable food and shelter and treat it kindly and, if the animal has any identification, make reasonable attempts to notify the owner of the animal's location.

(c) If the gratuitous depositary of a living animal is a public pound, shelter operated by a society for the prevention of cruelty to animals, or humane shelter, the depositary shall, in addition to the duties set forth in subdivision (b), comply with all other requirements of the Food and Agricultural Code regarding the impounding of live animals. Any of these entities that fails to perform the duties specified in this subdivision may, in addition to any other liability or penalty permitted by law, be liable for civil damages, including, but not limited to, damages for the loss of a companion animal, and may also be subject to criminal prosecution for cruelty to animals as provided in Section 597 of the Penal Code.

SEC. 7. Section 1847 of the Civil Code is amended to read:

1847. The duties of a gratuitous depositary cease:

~~1.~~

(a) Upon ~~his restoring~~ restoration by the depositary of the thing deposited to its owner

~~or~~

~~2.~~

(b) Upon ~~his giving~~ reasonable notice given by the depositary to the owner to remove it, and the owner failing to do so within a reasonable time. But an involuntary depositary, under ~~Subdivision 2~~ subdivision (b) of Section 1815, ~~cannot~~ may not give ~~such~~ notice until the emergency ~~which~~ that gave rise to the deposit is past. This subdivision shall not apply to a public pound, a shelter operated by a society for the prevention of cruelty to animals, or a humane shelter.

SEC. 8. Section 2080 of the Civil Code is amended to read:

2080. (a) Any person who finds a thing lost is not bound to take charge of it, ~~but~~ unless the person is otherwise required to do so by contract or law, and if ~~he~~ the person does ~~so~~

take charge of it he or she is thenceforward a depositary for the owner, with the rights and obligations of a depositary for hire. Any person ~~who~~ or any public or private entity that finds and takes possession of any money, goods, things in action, or other personal property, or saves any domestic animal from harm, neglect, drowning, or starvation, shall, within a reasonable time, inform the owner, if known, and make restitution without compensation, except a reasonable charge for saving and taking care of the property. The finder of a live domestic animal shall provide for kind treatment of the animal as provided in Section 1846.

(b) Except as provided in this section, the provisions of this article shall not apply to any person who finds a live domestic animal.

SEC. 9. Section 31108 of the Food and Agricultural Code is amended to read:

31108. (a) No dog ~~which~~ that is impounded pursuant to this division shall be killed before ~~72 hours~~ five business days have elapsed from the time of the taking up of the dog.

(b) Any dog that is impounded pursuant to this division shall, upon expiration of the holding period described in subdivision (a), be released without cost to a nonprofit animal rescue or adoption organization if requested by the organization prior to the expiration

of that holding period.

SEC. 10. Section 31752 of the Food and Agricultural Code is amended to read:

31752. (a) No stray cat ~~which~~ that has been impounded by a public pound, society for the prevention of cruelty to animals shelter, or humane shelter shall be killed before ~~72 hours~~ five business days have elapsed from the time of the capture of the stray cat.

(b) Any stray cat that has been impounded pursuant to subdivision (a) shall, upon expiration of the holding period described in that subdivision, be released without cost to a nonprofit animal rescue or adoption organization if requested by the organization prior to the expiration of that holding period.

(c) This section shall not apply to cats ~~which~~ that are severely injured or seriously ill, or to newborn cats unable to feed themselves.

SEC. 11. Section 32001 of the Food and Agricultural Code is amended to read:

32001. All public pounds, ~~society~~ shelters operated by societies for the prevention of cruelty to animals ~~shelters~~, and humane shelters, that contract with animal control agencies, shall provide the owners of lost animals and those who find lost animals with all of the following:

(a) Ability to list the animals they have lost or found on "Lost and Found" lists maintained by the pound or shelter.

(b) Referrals to animals listed that may be the animals the owners or finders have lost or found.

(c) The telephone numbers and addresses of other pounds and shelters in the same vicinity.

(d) Advice as to means of publishing and disseminating information regarding lost animals.

(e) The telephone numbers and addresses of volunteer groups ~~which~~ that may be of assistance in locating lost animals.

Notwithstanding Section 9, a violation of this section is not a misdemeanor. ~~Furthermore,~~ However the duty imposed by this section is ~~not~~ a mandatory duty for purposes of Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, and ~~no~~ a cause of action for damages is created by this section against a public entity or employee or against any other person.

SEC. 12. Section 32002 is added to the Food and Agricultural Code, to read:

32002. (a) All public pounds, shelters operated by societies for the prevention of cruelty to animals, and humane shelters, that contract with animal control agencies, shall treat the animals in their care kindly and shall provide them with all of the following:

(1) Adequate amounts of food appropriate to the age, species, and particular health needs of the animal.

(2) Adequate amounts of clear water, ventilation, and exercise.

(3) Housing appropriate to the size and safety needs of the animal and protection from increment weather and extreme heat and cold.

(4) Protection from accidents and injuries caused by people, other animals, or inadequate housing or treatment.

(5) Veterinary care as needed.

(b) The duties imposed by this section are mandatory duties for purposes of Division 3.6 (commencing with Section 810) of Title 1 of the Government Code and any of the entities subject to this section, or their employees, that fail to perform these duties may, in addition to any other liability or penalty permitted by law, be liable for civil damages, including, but not limited to, damages for the loss of a companion animal, and may also be subject to criminal

prosecution for cruelty to animals as provided in Section 597 of the Penal Code.

SEC. 13. Section 32003 is added to the Food and Agricultural Code, to read:

32003. All public pounds, shelters operated by societies for the prevention of cruelty to animals, and humane shelters, that contract with animal control agencies, shall keep accurate records on each animal taken up, medically treated, or impounded. The records shall include all of the following information:

- (a) The date the animal was taken up, medically treated, or impounded.
- (b) The names of the personnel who took up, medically treated, or impounded the animal.
- (c) A description of any medical treatment provided to the animal.
- (d) The disposition of the animal.

SEC. 14. Section 597 of the Penal Code is amended to read:

597. (a) Except as provided in subdivision (c) of this section or Section 599c, every person, including, but not limited to, every employee of a public pound, shelter operated by a society for the prevention of cruelty to animals, or humane shelter, who maliciously and intentionally maims, mutilates, tortures, or wounds a living animal, or maliciously and intentionally kills an animal, is guilty of an offense punishable by imprisonment in the state prison, or by a fine of not more than twenty thousand dollars (\$20,000), or by both the fine and imprisonment, or, alternatively, by imprisonment in ~~the~~ a county jail for not more than one year, or by a fine of not more than twenty thousand dollars (\$20,000), or by both the fine and imprisonment.

(b) Except as otherwise provided in subdivision (a) or (c), every person who overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink, or shelter, cruelly beats, mutilates, or cruelly kills any animal, or causes or procures any 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; and whoever, having the charge or custody of any animal, either as owner or otherwise, subjects any animal to needless suffering, or inflicts unnecessary cruelty upon the animal, or in any manner abuses any animal, or fails to provide the animal with proper food, drink, or shelter or protection from the weather, or who drives, rides, or otherwise uses the animal when unfit for labor, is, for every ~~such offense~~ one of those offenses, guilty of a crime punishable as a misdemeanor or as a felony or alternatively punishable as a misdemeanor or a felony and by a fine of not more than twenty thousand dollars (\$20,000).

(c) Every person who maliciously and intentionally maims, mutilates, or tortures any mammal, bird, reptile, amphibian, or fish as described in subdivision (d), is guilty of an offense punishable by imprisonment in the state prison, or by a fine of not more than twenty thousand dollars (\$20,000), or by both the fine and imprisonment, or, alternatively, by imprisonment in ~~the~~

a county jail for not more than one year, by a fine of not more than twenty thousand dollars (\$20,000), or by both the fine and imprisonment.

(d) Subdivision (c) applies to any mammal, bird, reptile, amphibian, or fish ~~which~~ that is a creature described as follows:

- (1) Endangered species or threatened species as described in Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code.
- (2) Fully protected birds described in Section 3511 of the Fish and Game Code.
- (3) Fully protected mammals described in Chapter 8 (commencing

with Section 4700) of Part 3 of Division 4 of the Fish and Game Code.

(4) Fully protected reptiles and amphibians described in Chapter 2 (commencing with Section 5050) of Division 5 of the Fish and Game Code.

(5) Fully protected fish as described in Section 5515 of the Fish and Game Code.

This subdivision does not supersede or affect any provisions of law relating to taking of the described species, including, but not limited to, Section 12008 of the Fish and Game Code.

(e) For the purposes of subdivision (c), each act of malicious and intentional maiming, mutilating, or torturing a separate specimen of a creature described in subdivision (d) is a separate offense. If any person is charged with a violation of subdivision (c), the proceedings shall be subject to Section 12157 of the Fish and Game Code.

(f) Upon the conviction of a person charged with a violation of this section by causing or permitting an act of cruelty, as defined in Section 599b, all animals lawfully seized and impounded with respect to the violation by a peace officer, officer of a humane society, or officer of a pound or animal regulation department of a public agency shall be adjudged by the court to be forfeited and shall thereupon be awarded to the impounding officer for proper disposition. A person convicted of a violation of this section by causing or permitting an act of cruelty, as defined in Section 599b, shall be liable to the impounding officer for all costs of impoundment from the time of seizure to the time of proper disposition.

Mandatory seizure or impoundment shall not apply to animals in properly conducted scientific experiments or investigations performed under the authority of the faculty of a regularly incorporated medical college or university of this state.

SEC. 15. Section 597t of the Penal Code is amended to read:

597t. Every person ~~who keeps~~, public pound, or public shelter keeping an animal confined in an enclosed area shall provide it with an adequate exercise area. If the animal is restricted by a leash, rope, or chain, the leash, rope, or chain shall be affixed in ~~such~~ a manner that ~~it~~ will prevent the animal from becoming entangled or injured and permit the animal's access to adequate shelter, food, and water. Violation of this section constitutes a misdemeanor.

This section shall not apply to an animal ~~which~~ that is in transit, in a vehicle, or in the immediate control of a person.

SEC. 16. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

## Endnotes

1. "Animal Shelter," San Jose Mercury News, January 18, 1951.
2. Ibid.
3. Ibid.
4. Ibid.
5. "Funds Asked For Pound," San Jose Mercury News, January 14, 1949.
6. "Saturday's M-Day Derelict Animals: New Shelter Ready," San Jose Mercury News, January 20, 1951.
7. "Two Vehicles Bought by Shelter," San Jose Mercury News, September 1957.
8. Ibid.
9. "Set to Probe Animal Shelter." San Jose Mercury News, July 14, 1976.
10. Ibid.
11. Leland Joachim, "Change Is Watchward at Revamped Pet Shelter," San Jose Mercury News, July 17, 1978.
12. Lorenzo Romero, "Humane Society Kills 1600 Sick Stray Cats," San Jose Mercury News, December 4, 1980.
13. Ibid.
14. Danelle Morton, "May Quit Shelter," San Jose Mercury News, September 16, 1986
15. Ibid.
16. Lorna Fernandes, "Hollywood and Big Business Join for Sick Children." Business Journal, June 5, 1995.
17. Ibid.
18. "Thank You! 1998 Honor Roll," Humane Society of Santa Clara Valley News, Winter 1999, p.10.
19. Alma Tarectacan, Informational Packets, (408) 727-3383 x880.

20. Philp, Kathryn, Willow Glen High School teacher, Interviewed at Willow Glen High School 2001 Cottle Avenue, San Jose, California, April 19, 1999.

21. Tarectacan, Op. Cit.

22. "Two Paws Up for the Hewlett-Packard Company," [www.scvhumane.org](http://www.scvhumane.org).

23. "Statistically Speaking," Humane Society of Santa Clara Valley News, Winter 1999, p.18.

24. Emily Wolf, "Chris Arnold....In Her Own Words," Humane Society of Santa Clara Valley News, Winter 1999, p.4.

25. Ibid.

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Note: Some materials used during research were given by Humane Educator,  
Alma Tarectecan, at the Humane Society.  
Alma Tarectecan- (408) 727-3383, x880.

Willow Glen High School  
Advisor: Mrs. Kathryn C. Philp