

COUNCIL AGENDA: 06-28-05
ITEM: 3.12

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Betsy Shotwell
Jon Cicirelli

SUBJECT: SEE BELOW

DATE: 06-27-05

Approved:

Kay Winer

Date:

6/27/05

SENATE BILL 861 (SPEIER) RELATING TO DANGEROUS AND VICIOUS DOGS

RECOMMENDATION

That the City Council support Senate Bill 861 (Speier) relating to dangerous and vicious dogs.

BACKGROUND

Current state law prohibits cities and counties from adopting a program that would regulate potentially dangerous or vicious dogs in a manner that is specific as to breed. Following the recent fatal dog-mauling incident in San Francisco, Senator Jackie Speier, at the request of the Mayor of San Francisco, was asked to introduce legislation to amend existing law to grant cities and counties the authority to enact programs regulating specific breeds of dogs. Councilmember LeZotte requested that SB 861 be agendized for the June 28 Council meeting. Staff has reviewed the measure to assist the Council in formulating a position on the bill.

ANALYSIS

According to the Legislative Counsel "existing law regulates potentially dangerous and vicious dogs, and provides that nothing in these provisions shall be construed to prevent a city or county from adopting or enforcing its own program for the control of potentially dangerous or vicious dogs that may incorporate all, part, or none of these provisions, or that may punish a violation of these provisions as a misdemeanor or may impose a more restrictive program to control potentially dangerous or vicious dogs, provided that no program shall regulate these dogs in a manner that is specific to breed."

SB 861 proposes to amend Food and Agricultural Code Section 31683 to authorize cities and counties to pass breed specific legislation to address public safety and welfare concerns in their communities. The proposed change would not permit local regulations that ban dogs based on breed only.

Honorable Mayor and City Council

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RECOMMENDATION

Staff recommends support for SB 861 because it would allow cities to enact programs to protect their residents from aggressive dog breeds who are considered to be a threat to public safety. SB 861 is enabling legislation that would not commit the City to any breed specific regulations unless the City Council decides to take such action. Examples of such breed-type laws are mandatory spay and neuter, breeding permits, and insurance requirements.

Status: SB 861 is scheduled to be heard in the Assembly Local Government Committee on June 29, 2005.

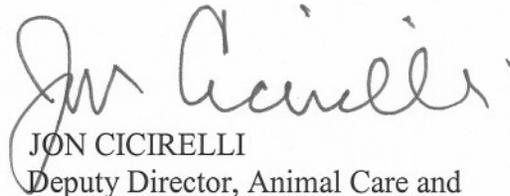
COORDINATION

This memorandum was coordinated with the Animal Care and Services Division, the City Attorney's Office, the Police Department, and the City's Legislative Representative in Sacramento.



BETSY SHOTWELL

Director, Intergovernmental Relations



JON CICIRELLI

Deputy Director, Animal Care and
Services Division

