

ASSEMBLY THIRD READING  
AB 3035 (Patterson)  
As Amended May 4, 2020  
Majority vote

**SUMMARY:**

Allows a law enforcement agency to publish a petition to humanely euthanize or otherwise dispose of animals or birds who were seized in connection with an arrest for an offense pertaining to illegal animal fighting, in an online or print newspaper, on a social media outlet account belonging to a law enforcement agency or appropriate governmental agency, or on a law enforcement internet website.

**Major Provisions****COMMENTS:****According to the Author:**

"California's law enforcement officers are responsible for handling the animals illegally used in cockfighting and other animal fights, a process that involves numerous steps and attention to detail. With the advancement of technology and media, continuing to require law enforcement to place these ads in a newspaper of general circulation is a less efficient method in meeting the requirements laid out in the law. AB 3035 attempts to modernize the code surrounding cockfighting and other illegal animal fights to more efficiently advertise the publication notice requirements within this area of the law."

**Arguments in Support:**

According to the bill's sponsor, the *California State Sheriffs' Association*, "The statute that dictates the practice of publicizing the seizure and proposed destruction of roosters used in illegal activities has not been updated for decades. Current law explicitly states that the petition to destroy animals or birds used in combat must be published for three consecutive days in only a newspaper of general circulation. This statute was contemplated long before the advent of online publications and social media.

"This requirement should conform to allow for a news publication other than a "newspaper of general circulation" (in physical print). Publications that should be considered include but are not limited to social media outlets and/or internet publication through newspaper companies that are of general circulation.

"For these reasons, CSSA is pleased to sponsor AB 3035, which would update and simplify the notice requirements for roosters used in illegal activities."

**Arguments in Opposition:**

According to the *California Newspapers Publishers Association*, "AB 3035 would allow the petition to be posted on a website or social media operated by a law enforcement agency which will become the preference for these agencies. However, a person who visits law enforcement sites or uses social media will not have any idea what to look for other than that information they

are seeking. Presuming the intent of the bill is to make it more convenient and less expensive for these agencies to provide the information to the public, the problem is that change in the law will make it less likely that the animals will be reunited with their owners.

"Under the current requirements, the notice has a better chance of being seen in a newspaper because people in a community already know when they pick up a paper they will find information about local news and events – including public notices. As people turn the pages of a newspaper there is a serendipitous experience where the reader stumbles upon information he or she does not seek, but it is nevertheless available for them to learn about, and understand. It is this experience that makes the local newspaper the logical place to publish a notice like the petition seeking authority to euthanize a seized animal.

"On a law enforcement website or social media the serendipitous experience does not take place. Users of these platforms go directly to these locations to obtain the information they seek and rarely stumble upon information for which they are not specifically searching. These notices will hardly ever be seen by the public and that is precisely why the proposed change in the law will not be as effective in reuniting seized animals with their owners – the sole purpose of the notice.

"There are many good reasons that important public notices should not be posted exclusively on a government web site or on its social media. Public notices published in newspapers of general circulation ensure notification to the general populace because they have these elements:

- 1) Publication is in a forum independent of the government.
- 2) The published notice is archivable and secure.
- 3) The notice is accessible by all segments of society.
- 4) Publication is verifiable (by way of an affidavit of publication).

"Finally, this bill fails to take into consideration that many bird or animal owners, especially in rural areas of California may not have access or reliable access to the Internet, which would prevent the reunification of pets and owners based on economic circumstance or location."

#### **FISCAL COMMENTS:**

Unknown. This bill is keyed non-fiscal by the Legislative Counsel.

#### **VOTES:**

##### **ASM PUBLIC SAFETY: 7-0-1**

**YES:** Jones-Sawyer, Lackey, Bauer-Kahan, Diep, Kamlager, Carrillo, Santiago

**ABS, ABST OR NV:** Wicks

#### **UPDATED:**

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