



**American Rottweiler Club, Inc.  
16005 Pine Creek Way  
Magnolia, TX 77358**

July 7, 2009

The Honorable Kevin de Leon  
Chair, Assembly Appropriations Committee  
California State Assembly  
State Capital  
Sacramento, CA 95814

VIA FAX

**RE: CALIFORNIA 250 - OPPOSED**

Dear Chairman de Leon and Respected Members of the Appropriations Committee:

The American Rottweiler Club, Inc. (ARC), the parent club of the American Kennel Club (AKC) for the Rottweiler breed in the United States, representing thousands of dog owners, is writing to express our grave concern over **California SB 250 - A Bill That Potentially Criminalizes Dog Ownership**

Since its inception, the American Rottweiler Club has been deeply engaged in advancing animal welfare and the humane care and treatment of dogs.

ARC members and supporters devote significant time, effort and resources in educating the public on responsible dog ownership, dog bite prevention and safety around dogs, especially where children and the elderly are concerned, and supporting to scores of animal rescue and sheltering organizations across the United States through direct donations and grants and volunteer support.

The American Rottweiler Club is adamantly opposed to the cruel and inhumane treatment of dogs, the exploitation of innocent animals, and illegal, sub-standard breeding operations.

We therefore respectfully submit our official and unequivocal opposition to **California SB 250** and to any other bill which makes criminals out of law-abiding, tax-paying citizens and home and hobby breeders, or anyone owning intact dogs.

**California SB 250** is not only irresponsible, cruel and inhumane, it sets a dangerous precedent for the type and scope of legislation:

- CA SB 250 potentially makes criminals of responsible, tax-paying pet owners based on the reproductive status of the pet**
- CA SB 250 will escalate costs for the state and municipalities already in financial crisis**
- CA SB 250 will reduce licensing compliance**
- CA SB 250 places arbitrary limits on animal ownership**
- CA SB 250 kills or harms innocent animals**

### **CA SB 250 - Criminalizing Dog Ownership**

It is abundantly clear that the intent of this bill is to criminalize certain dog ownership – starting with the very title of the bill – and adding the language of this bill under the criminal code, as follows on Line 4:

***To establish licensing requirements and standards of care of certain dog breeding kennels, dog intermediaries, and animal rescues for dogs.***

We take exception to the very language of CA SB 250 which alludes to “possession of intact dogs” as if intact dogs were in nature a dangerous, illegal substance – and needing to be heavily regulated as illegal drugs.

We question whether the State of California truly intends to set a precedent of criminalizing the ownership of dogs, and the ownership of breeding dogs, and animal rescues as statute can and will be interpreted to criminalize the ownership and breeding of any animal.

### **CA SB 250 - Criminalizing Dog Breeding**

CA SB 250 seems to take aim at anyone engaged in the breeding of dogs, and makes criminals out of vast majority of breeders who are responsible, law-abiding and caring individuals or establishments, deeply dedicated to the welfare of dogs.

This misguided bill seems to stem from a misrepresentation that owners of breeding stock, intact dogs, or multiple dogs are presented as de facto “puppy mills” – which is certainly not the case.

We respectfully point out that the term, “puppy mill” is highly inflammatory and deliberately misleading.

Most home and hobby breeders – as well as the vast majority of commercial kennels – operate under a set of standards set forth not just by the state, but by the very organizations to which we belong, concerning the care, treatment, feeding, and training of healthy dogs.

We would like to make very clear that any substandard and inhumane conditions at kennels – whether they be commercial operations or privately-owned home or hobby kennels – are still substandard and inhumane, and therefore subject to the strict enforcement of California's anti-cruelty statutes.

Sadly, it is the lack of enforcement, and the lack of state or municipal funding for enforcement, combined with a lacking of understanding of basic animal husbandry, that often is to blame for allowing such conditions to exist.

We, therefore, recommend to the Committee that strong enforcement of the State's animal cruelty laws are the correct remedy to such filthy and cruel establishments, but that criminalizing the ownership and breeding of dogs – or criminalizing the ownership or breeding of any animals for that matter – is not only a misguided approach, but may in fact constitute a serious violation of the 14th Amendment.

### **CA SB 250 - Substantially Increases Costs Through Unfunded Mandate**

Already in a fiscal crisis, the State of California can ill-afford yet another unfunded mandate that will dramatically increase costs of the state, municipalities and pet owners.

**The State of California's Department of Finance strongly recommends AGAINST SB 250**, in an analysis released on May 5, 2009, a copy of which is attached:

**FISCAL SUMMARY**

*This bill would result in a substantial increase to the General Fund cost of the Animal Adoption mandate. The Animal Adoption mandate currently costs more than \$24 million annually to reimburse local government shelters' cost to care for impounded animals. Given the current economic climate, requiring the owners of dogs and cats to pay for sterilization procedures would result in more animals being abandoned or surrendered because of the owners' inability to finance the sterilization procedure and pay additional fines.*

*This bill could create a new state-mandated local program by requiring local agencies to utilize existing procedures or establish new procedures for unaltered dog license denials and appeals, which would create additional pressures on the General Fund. The increased administrative costs of these new tasks are unknown.*

*Because fines for owning an unsterilized dog or cat would only be assessed if there were a concurrent citation for another violation, this bill would also limit local agencies' ability to collect additional revenue to offset new costs associated with enforcing the bill's new provisions.*

**COMMENTS**

*The Department of Finance is opposed to this measure because it would increase costs for an existing state-mandated local program, potentially create a new state mandated local program, and result in General Fund costs that are not included in the 2009-10 Budget Act.*

For the members of the California Legislature to impose such a mandate is highly irresponsible and resulting in extreme harm to pets, pet owners and to the citizens of California.

**CA SB 250 – Reduced Licensing Compliance & Loss of State Revenue**

Punitive anti-pet laws like CA SB 250 actually reduce licensing compliance. As reported by the National Animal Interest Alliance, only 17% of California's pet owners license their pets.

This low compliance rate will dwindle even lower – resulting in the LOSS of state revenue, not a gain.

Proponents of CA SB 250 have relied on a punitive and permanently flawed “self-funding” revenue model which imposes high fees and has a dismal track record.

**Increased Surrenders, Overburdened Shelters & Killing Innocent Animals**

Shelters in cities where mandatory sterilization laws have been enacted have seen a sharp spike in owner surrenders, which in turn increases sheltering costs and euthanasia of formerly-owned dogs.

This is directly due to the fact that many dog owners become fearful of new, anti-dog, anti-breeding laws, and find it difficult, expensive to comply or cannot afford to move out of town or out of state with their dogs.

The impact of anti-dog laws such as CA SB 250 is the swelling of already overburdened shelter populations, budgets that quickly spiral out of control, and the unnecessary euthanasia of healthy dogs. Instead of functioning life-saving stations, local shelters will become death camps for innocent dogs.

**In short, mandatory sterilization laws are a proven failure and KILL innocent animals.**

**CA SB 250 - Government Interference In Practice Of Veterinary Medicine**

Does the State wish to dictate the practice of veterinary medicine to veterinarians?

By mandating sterilization procedures for all pets, the State of California is creating government interference in the private practice of veterinary medicine.

The direct result of this will also be that veterinarians will find themselves constrained in their practice by what any state legislature deems to be a "mandatory practice".

If such government interference is allowed to take hold, which veterinary procedures will next be mandated or outlawed, banned or restricted based on political correctness or the opinions of a small but vocal group of animal activists?

Will the practice of veterinary medicine then be subject to the whims of uninformed local or state legislators? Such policy is folly, and can only lead to great harm to animals, pet owners and to the veterinarians themselves.

### **CA SB 250 - Interferes With Private Relationships With Veterinary Healthcare Providers & Pet-Owning Clients**

As responsible and caring dog owners, we depend on our veterinarians to work with us to make wise decisions concerning health of our dogs.

CA SB 250 will significantly interfere with the private and protected relationship between an animal owner and his or her veterinary healthcare provider.

Decisions about surgeries that carry risks – are decisions that pet owners need to make in consultation with their veterinarians – not the state legislature.

### **CA SB 250 – Negative Impact & Health Risks Mandatory Spay/Neuter Surgeries**

The veterinary literature is *overwhelmingly conclusive in finding that spay and neuter is not therapeutic* in nature, **but rather is extremely detrimental to the health and welfare of the dogs.**

Spay/neuter surgeries cause some cancers, hormonal interruptions, aggressive behavior and other maladies attributed to the spaying or neutering of dogs.

In the May 15, 2009 edition of the Journal of the American Veterinary Medical Association, the AVMA wrote:

#### **AVMA: Mandatory Spay/Neuter A Bad Idea**

*"Prevention of unexpected litters; reduced incidences of some cancers and reproductive diseases; and prevention and amelioration of certain undesirable behaviors have been documented as benefits to spaying/neutering dogs and cats. However, potential health problems associated with spaying and neutering have also been identified, including an increased risk of prostatic cancer in males; increased risks of bone cancer and hip dysplasia in large-breed dogs associated with sterilization before maturity; and increased incidences of obesity, diabetes, urinary tract infections, urinary incontinence, and hypothyroidism".*

<http://www.avma.org/onlnews/javma/may09/090515j.asp>

Animals undergoing mandatory spay/neuter surgeries:

- **suffer pain**
- **are at increased risk of infection**
- **experience extended recovery times**
- **suffer a host of ill-effects.**

Furthermore, most spay/neuter surgeries are “for the benefit of humans” and the positive effects are outweighed by the impressive list of negative side effects.

### **CA SB 250: Threatens Food & Agriculture By Changes To Legal Status Of Animals**

CA SB 250 further threatens California’s immense agricultural industry with a backdoor assault on the legal status of animals as property.

Extremists in the animal rights movement see the elimination of the legal status of animals as property, and the subsequent elimination of animals in the food supply chain, and indeed all animal use as the end goal.

In its analysis of CA SB 250, the California Department of Finance calls attention to this issue in the following statement:

*This bill would add the term "custodian" to the Food and Agricultural Code, which would have far-reaching implications. **Specifically, the term "custodian" may reduce the legal status and value of dogs and cats** and restrict the rights of owners, veterinarians, and government agencies to protect and care for animals.*

Clearly, CA SB 250 could have deep and devastating consequences for the future of animal agriculture in California.

### **CA SB 250: Eliminating Presumption Of Innocence**

CA SB 250 **eliminates the presumption of innocence** making all dog owners of “intact dogs” **guilty and without recourse**.

Under the rules of our judiciary, it is unimaginable to think that a state government would create a reverse onus – thus shifting the burden of proof from the state to the accused.

This bill is counter to the very principles upon which our democracy stands.

Our response is to respectfully remind the Committee Members that our judicial system operates upon the presumption that all citizens in the United States **are innocent until proven guilty**, not the reverse.

Furthermore, there is *no* hearing or an appeals process by which may defend themselves against charges.

### **Closing Thoughts**

In closing, the American Rottweiler Club rejects the criminalization of responsible dog ownership, the flawed concept of outlawing or eliminating through heavy-handed regulation the lawful breeding, ownership, and custody of dogs – or ANY animals.

We formally oppose the erosion by proxy laws of the civil rights and liberties guaranteed to all citizens of the United States under the guise of animal protection.

## American Rottweiler Club, Inc.

The American Rottweiler Club, having conducted a thorough analysis of this bill, concludes that California SB 250 would:

- **Criminalize dog ownership**
- **Fail to protect the welfare of ALL dogs**
- **Threaten animal agriculture and food production**
- **Waste valuable tax-payer dollars**

### **CA SB 250: In Summary**

The American Rottweiler Club urges the State Of California and the Esteemed Members Committee to act appropriately and responsibly by voting NO on California SB 250.

We urge the Committee Members to reject CA SB 250 in its entirety, and not allow this dangerous and misguided piece of legislation, no matter how well- intentioned, to bring about the destruction of innocent dogs, eliminate the responsible and ethical ownership of dogs, discriminate against owners of intact dogs, and deprive people of their civil rights.

We thank you for your attention to this very important matter and remain committed to providing the State of California with expert advice in matters of animal husbandry and the humane care and treatment of dogs. We would be honored to be called upon to serve.

Very truly yours,



Jeff Shaver  
President  
American Rottweiler Club, Inc.  
713-557-0807  
jshaver522@yahoo.com  
(web site) [www.AmRottClub.org](http://www.AmRottClub.org)

cc: American Rottweiler Club Board, Peter Piusz, Delegate