

Date of Hearing: June 20, 2023

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Rebecca Bauer-Kahan, Chair

SB 371 (Ochoa Bogh) – As Amended April 12, 2023

SENATE VOTE: 37-0

SUBJECT: Undomesticated burros

SUMMARY: Authorizes certain nonprofit organizations to provide care to undomesticated burros, among other provisions. Specifically, **this bill:**

- 1) Authorizes an officer or employee of a nonprofit organization that contracts with a county to provide services to undomesticated burros to:
 - a) Remove an undomesticated burro that either strays onto private land at the request of the landowner, or strays onto a public roadway to ensure public safety.
 - b) Provide medical care or treatment, including, but not limited to, euthanasia if medically appropriate, to an undomesticated burro that is seriously ill or injured.
- 2) Authorizes a local animal control agency, or an authorized nonprofit organization that contracts with a county to provide services to undomesticated burros, to relocate an undomesticated burro that is unfit for release to an appropriate facility or private adopter, as provided. Specifies that a local animal control agency has the sole discretion to deem an undomesticated burro unfit for release or re-release, as provided.
- 3) Provides that an undomesticated burro permanently relocated to an appropriate facility or private adopter is no longer an undomesticated burro, as defined.
- 4) Requires the nonprofit organization to have an approved euthanasia policy that meets certain veterinary requirements, as specified, to be eligible to enter into a contract with a local animal control agency.
- 5) Defines “nonprofit organization” to mean a private, nonprofit organization that qualifies for exempt status under Section 501(c)(3) of the United States Internal Revenue Code.

EXISTING LAW:

- 1) Defines “undomesticated burro” to mean a wild burro or a burro that has not been tamed or domesticated for three years after its capture and is not protected by the federal government under the Wild Free-Roaming Horses and Burros Act [Government Code (GOV) § 53074.5].
- 2) Protects, under the federal Wild Free-Roaming Horses and Burros Act of 1971, all wild free-roaming horses and burros on public lands of the United States from capture, branding, harassment, or take. Authorizes the Secretary of the Interior to manage burros and to remove burros from an area where they are overpopulated, and, when necessary, to preserve and maintain a thriving natural ecological balance and to protect the range. Specifies that a private landowner may notify federal authorities to have wild burros that stray onto private

lands removed (Chapter 30 commencing with Section 1331 of Title 16 of the United States Code).

- 3) Authorizes local animal control agency personnel to remove an undomesticated burro that strays onto private land at the request of the landowner, and to remove an undomesticated burro that strays onto a public roadway to ensure public safety (GOV § 53074.5).
- 4) Authorizes local animal control agency personnel to provide medical care or treatment to an undomesticated burro that is seriously ill or injured (GOV § 53074.5).
- 5) Makes it unlawful to kill, wound, capture, or have in possession any undomesticated burro, except as provided above, and prohibits the Fish and Game Commission or others from modifying this provision administratively or by regulation (Fish and Game Code § 4600).

FISCAL EFFECT: Unknown. This bill is keyed nonfiscal.

COMMENTS:

- 1) **Purpose of this bill.** This bill expands which organizations can contract for services relating to undomesticated burros. According to the author, “Several nonprofit organizations in the Inland Empire are dedicated to serving the burro population. These nonprofit rescue organizations have financial means, volunteers, and specialized veterinary resources. What they lack is the statutory authority to contract with Riverside County Animal Services to aid in the rescue and care of the undomesticated burro population.”
- 2) **Background.** Most wild burros are subject to federal protection, and this protection is recognized in state law. AB 222 (Emmerson) in 2007 modified state law to authorize local animal control agencies to take limited actions to address public safety issues caused by a non-federal wild burro herd and to provide medical care to the animals. This bill would authorize local animal control agencies to extend their authority to take certain actions relating to undomesticated burros to nonprofits they contract with.

The author and sponsors state that the largest number of undomesticated burros in California are found in the Highgrove and Reche Canyon region of Riverside and San Bernardino Counties. The burros are not native to the area, having been released by ranchers in the 1950s. The wild burro population is estimated to be over a thousand.

The presence of the burro population, along with rapid growth in the Inland Empire, has created a hazardous situation for both residents and burros. Major traffic collisions on streets, highways, and railroads are reported regularly and have been the cause of several human deaths in recent years.

- 3) **Arguments in support.** The Riverside County Board of Supervisors writes in support, stating that “a lack of staff and resources to treat, rehabilitate, and safely relocate injured burros has created a frustrating situation locally” that is exacerbated by a local shortage of veterinarians. They write that providing the county with the ability to contract with local nonprofits dedicated to serving the burro population will help “to ensure the health and well-being of the burro population and to improve public safety.”

- 4) **Related legislation.** AB 222 (Emmerson), Chapter 128, Statutes of 2007, provided authority to local animal control agencies to take certain actions to address burros that are not under the federal government's jurisdiction.

REGISTERED SUPPORT / OPPOSITION:

Support

County of Riverside (Sponsor)
Social Compassion in Legislation

Opposition

None on file

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