

November 6, 2007

Hon. Edmund G. Brown Jr.
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Krystal Paris
Initiative Coordinator

Dear Attorney General Brown:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative entitled the "Freedom Against Sterilization Act" (A.G. File No. 07-0063). This measure amends the State Constitution to prohibit governmental entities (state, county, city, or other) from enacting or enforcing any law that coerces or mandates the temporary or permanent sexual sterilization of any human or animal.

Background

Sterilization. Sexual sterilization generally refers to a temporary measure or permanent procedure to stop fertility in either males or females.

Human Sterilization Laws. Under existing state law, a person found guilty of certain sexual offenses against persons less than 13 years of age shall, upon parole, undergo chemical sterilization. A review found no local California ordinances relating to human sterilization.

Animal Control and Sterilization Laws. Under current state law, local government animal shelters and their contractors are required to provide stray animals with necessary and prompt veterinary care, nutrition, and shelter, and to treat the animals humanely. Local governments are also responsible for enforcing animal control laws. Furthermore, under existing state law:

- Animal shelters are generally prohibited from adopting out animals, including dogs and cats, that are not spayed or neutered unless the owner agrees in writing to spay or neuter the animal within 30 days of the agreement and a veterinarian certifies that the animal is too sick or injured to be altered. Additionally, some local governments generally require owners to spay or neuter their dogs or cats.

- Local governments are authorized to issue a dog and a cat license for a fee. All local governments that have a license requirement are required by *state law* to charge half the fee for spayed and neutered dogs. These revenues are used to support local government animal control activities.
- Female cattle possessing certain characteristics must bear evidence of a specific vaccination unless the animal has been spayed.
- The state Department of Public Health is required to track and respond to reports of animal bites and diseases transmitted from animals to humans.

Proposal

This measure amends the Constitution to prohibit all governmental entities in the state of California from enacting or enforcing any law that would coerce by any means or financial penalty or mandate the permanent or temporary sexual sterilization of any human or animal. (Animal owners could continue to voluntarily sterilize their animals.) This measure also prohibits the enactment of any laws or ordinances that would abridge the amendment described above.

Fiscal Effect

Fiscal Effects Related to Humans. This measure avoids potential future state costs associated with the chemical castration of certain prisoners upon their parole. These costs are estimated to be minimal (potentially a few tens of thousands of dollars annually), because the number of prisoners that this statute applies to is small and few of them are scheduled to be paroled within the next few years.

Fiscal Effects Related to Animals. Because this measure prohibits government entities from enacting or enforcing laws requiring sterilization as a means of animal population control, the state would likely experience an unknown increase in the statewide number of dogs and cats. This increase would likely result in unknown, but probably minor, local and state costs to track and respond to increased reports of animal bites and diseases transmitted from animals to humans.

Additionally, in the short term, this measure would result in savings to local governments because of the elimination of spay and neuter enforcement and surgery costs. However, in the long term, there would probably be an increase in the dog and cat population and, as a result, there would be an unknown but potentially significant increase in the costs to operate shelters and provide animal control services.

Furthermore, this measure would also likely result in an unknown but potentially significant loss of local animal control revenue, because jurisdictions will no longer be able to charge a higher license or adoption fee for unaltered animals than for animals

that are spayed or neutered. However, local governments could partially or fully offset this loss of revenue by increasing fees for all animals.

Summary

This measure would have the following significant fiscal effects:

- Short-term savings to local governments because of the elimination of spay and neuter enforcement and surgery costs, offset in the long-term by unknown, but potentially significant, increased costs to operate shelters and provide animal control services to an increased dog and cat population.
- Unknown, but potentially significant loss of local government animal control revenue, because jurisdictions will no longer be able to charge a higher license or adoption fee for unaltered animals than for animals that are spayed or neutered.
- Potential avoidance of state costs of a few tens of thousands of dollars annually associated with the prohibition of chemical castration of certain prisoners upon their parole.

Sincerely,

Elizabeth G. Hill
Legislative Analyst

Michael C. Genest
Director of Finance