

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2542 Session of  
1994

INTRODUCED BY KAISER, GORDNER, D. R. WRIGHT, MIHALICH, PETTIT,  
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FEBRUARY 8, 1994

AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 26, 1994

## AN ACT

1 ~~Providing for the training of Humane Society Enforcement~~ <—  
2 ~~Officers and for additional duties of the Department of~~  
3 ~~Agriculture.~~  
4 REQUIRING APPLICATIONS FOR THE APPOINTMENT OF HUMANE SOCIETY <—  
5 POLICE OFFICERS TO INCLUDE CERTAIN DOCUMENTATION; AND  
6 PROVIDING FOR LIMITATION ON THE POSSESSION OF FIREARMS BY  
7 HUMANE SOCIETY POLICE OFFICERS AND FOR ENFORCEMENT AND  
8 JURISDICTION.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 ~~Section 1. Short title.~~ <—

12 ~~This act shall be known and may be cited as the Humane~~  
13 ~~Society Enforcement Officer Law.~~

14 ~~Section 2. Definitions.~~

15 ~~The following words and phrases when used in this act shall~~  
16 ~~have the meanings given to them in this section unless the~~  
17 ~~context clearly indicates otherwise:~~

18 ~~"Department." The Department of Agriculture of the~~  
19 ~~Commonwealth.~~

1       ~~"Humane society." Any society or association for the~~  
2 ~~prevention of cruelty to animals incorporated under the laws of~~  
3 ~~this Commonwealth.~~

4       ~~"Humane Society Enforcement Officer" or "enforcement~~  
5 ~~officer." Any person appointed or employed by a humane society~~  
6 ~~to investigate suspected violations of and to enforce the laws~~  
7 ~~of this Commonwealth relating to the prevention of cruelty to~~  
8 ~~animals.~~

9       ~~Section 3.—Training program.~~

10       ~~The department shall devise and conduct a training program~~  
11 ~~for Humane Society Enforcement Officers. This program shall~~  
12 ~~cover the following subject areas:~~

13               ~~(1) The provisions of all State laws relating to animal~~  
14 ~~cruelty and the humane treatment of animals.~~

15               ~~(2) The physical characteristics of animals and those~~  
16 ~~symptoms and conditions evidencing the mistreatment of~~  
17 ~~animals.~~

18               ~~(3) Procedures for dealing with rabid or diseased~~  
19 ~~animals.~~

20               ~~(4) Legal procedures, including the following:~~

21                       ~~(i) Proper methods of preliminary and criminal~~  
22 ~~investigation.~~

23                       ~~(ii) The Pennsylvania Rules of Criminal Procedure~~  
24 ~~and the initiation of criminal proceedings pursuant~~  
25 ~~thereto.~~

26                       ~~(iii) Proper methods of conducting lawful searches,~~  
27 ~~seizures and securing of evidence.~~

28                       ~~(iv) Constitutional rights of the accused applicable~~  
29 ~~to criminal investigations, interrogations, searches and~~  
30 ~~seizures of evidence.~~

~~(v) Laws governing arrest and the use of force.~~

~~(vi) Identification of physical characteristics of  
abused or neglected animals.~~

~~(5) Field investigations, to include photography and the  
nature of information which should be acquired.~~

~~(6) Procedures for the taking of information and  
statements from lay witnesses and veterinarians and other  
animal experts.~~

~~Section 4. Time and place of training.~~

~~Training shall commence within one year of the effective date  
of this act. Training shall be conducted at various locations in  
this Commonwealth as the department shall determine. The  
department shall conduct refresher courses in this training as  
it deems necessary to maintain the standards it sets for its  
enforcement officers.~~

~~Section 5. Examination.~~

~~The department shall conduct an examination at the end of  
each training course. This examination shall be graded on a  
pass/fail basis. Any person failing the examination may be  
reexamined, directed to repeat the training program or suspended  
from duty, as the department shall determine. It shall be  
necessary to pass this examination for a person to exercise the  
powers and duties of a humane society enforcement officer.~~

~~Section 6. Background checks.~~

~~Prior to the appointment or employment of an enforcement  
officer, the humane society shall make a background check of the  
candidate to include the following:~~

~~(1) Drug or alcohol abuse.~~

~~(2) History of mental illness.~~

~~(3) Criminal history records.~~

~~Upon request, the department shall assist any Humane Society in making this check. All State and local agencies are directed to cooperate with a humane society and the department in providing information under this section.~~

~~Section 7.— Enforcement officer vehicles.~~

~~Law enforcement type flashing lights and sirens are not permitted to be affixed to or used on enforcement officer vehicles.~~

~~Section 8.— Jurisdiction.~~

~~The jurisdiction of an enforcement office shall be the county of the humane society. An enforcement officer shall also have jurisdiction in any adjacent county lacking an enforcement officer.~~

~~Section 9.— Complaint procedure.~~

~~(a) Log book required.— All local police departments shall maintain a log book for the entry of humane complaints and the results thereof by enforcement officers. In municipalities which have no local police department, this log book shall be maintained by the Pennsylvania State Police at the Pennsylvania State Police office nearest the municipality.~~

~~(b) Complaints.— Upon receiving a complaint, an enforcement officer shall first visit the headquarters of the local police department to determine if similar complaints have been made to other humane societies in the county. If the enforcement officer visits the site of the alleged violation, he shall make a report of the disposition or outcome of the matter in the humane complaint log book. The enforcement officer shall also send a copy of his complete report to the local police department for inclusion in the log at the termination of all action in the subject matter of the complaint.~~

~~(c) Form of log. The department shall devise a standard log book format for use under this section.~~

~~Section 10. Weapons.~~

~~(a) Handgun. The carrying of a handgun by an enforcement officer is prohibited.~~

~~(b) Stun gun. The carrying of a stun gun by an enforcement officer is permitted.~~

~~(c) Tranquilizer gun. The carrying of a tranquilizer gun by an enforcement officer is permitted provided that officer is certified under the act of October 10, 1974 (P.L. 705, No. 235), known as the Lethal Weapons Training Act.~~

~~Section 11. Search warrants.~~

~~An enforcement officer may obtain a search warrant only if the warrant is approved by the district attorney.~~

~~Section 12. Farms.~~

~~The jurisdiction of the enforcement officer shall not extend to farms or farming operations. The department shall employ or appoint special officers to investigate violations allegedly committed on farms. These special officers shall have the training provided for in this act and shall have such additional background, experience or training in animal husbandry and shall have a thorough understanding of normal and acceptable animal husbandry practices.~~

~~Section 13. Funding.~~

~~(a) Fund established. The Humane Society Enforcement Officer Training Fund is hereby established as a separate account in the State Treasury and shall be administered by the department. All moneys in this account are hereby appropriated to the department on a continuing basis to carry out this act. Any interest earned by moneys in the fund shall accrue to the~~

1 ~~fund.~~

2 ~~(b) Surcharge. A 1¢ per five pounds surcharge is hereby~~  
3 ~~imposed on all dog and cat food for sale at wholesale for~~  
4 ~~consumption in this Commonwealth. This surcharge shall be~~  
5 ~~collected from the purchaser by the Department of Revenue. The~~  
6 ~~Department of Revenue shall by regulation establish procedures~~  
7 ~~for the collection of this surcharge. All moneys so collected~~  
8 ~~shall be paid into the Humane Society Enforcement Officer~~  
9 ~~Training Fund.~~

10 ~~Section 14. Effective date.~~

11 ~~This act shall take effect in 60 days.~~

12 SECTION 1. SHORT TITLE.

<—

13 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE HUMANE  
14 SOCIETY POLICE OFFICER ENFORCEMENT ACT.

15 SECTION 2. DEFINITIONS.

16 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL  
17 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
18 CONTEXT CLEARLY INDICATES OTHERWISE:

19 "CRUELTY TO ANIMALS LAWS." THE PROVISIONS OF 18 PA.C.S. §  
20 5511 (RELATING TO CRUELTY TO ANIMALS).

21 "HUMANE SOCIETY." A NONPROFIT SOCIETY OR ASSOCIATION DULY  
22 INCORPORATED PURSUANT TO 15 PA.C.S. CH. 53 SUBCH. A (RELATING TO  
23 INCORPORATION GENERALLY) FOR THE PURPOSE OF THE PREVENTION OF  
24 CRUELTY TO ANIMALS.

25 "HUMANE SOCIETY POLICE OFFICER." ANY PERSON DULY APPOINTED  
26 PURSUANT TO 22 PA.C.S. § 501 (RELATING TO APPOINTMENT BY  
27 NONPROFIT CORPORATIONS) TO ACT AS A POLICE OFFICER FOR A HUMANE  
28 SOCIETY. THE TERM SHALL INCLUDE ANY PERSON WHO IS AN "AGENT" OF  
29 A HUMANE SOCIETY AS "AGENT" IS USED IN 18 PA.C.S. § 5511  
30 (RELATING TO CRUELTY TO ANIMALS).

1 "LAND GRANT INSTITUTION." EDUCATIONAL INSTITUTIONS LOCATED  
2 WITHIN OR OUTSIDE THE GEOGRAPHIC BOUNDARIES OF THIS COMMONWEALTH  
3 WHICH HAVE RECEIVED A GRANT OF PUBLIC LAND MADE BY THE CONGRESS  
4 OF THE UNITED STATES FOR THE SUPPORT OF EDUCATION PURSUANT TO  
5 THE ACT OF JULY 2, 1862 (12 STAT. 503, 7 U.S.C. § 301 ET SEQ.),  
6 KNOWN AS THE MORRILL ACT.

7 SECTION 3. APPLICATION OF ACT.

8 THIS ACT SHALL APPLY TO ANY NONPROFIT CORPORATION, AS DEFINED  
9 IN 15 PA.C.S. PT. II SUBPT. C (RELATING TO NONPROFIT  
10 CORPORATIONS), WHICH IS ORGANIZED FOR THE PURPOSE OF THE  
11 PREVENTION OF CRUELTY TO ANIMALS.

12 SECTION 4. HUMANE SOCIETY POLICE OFFICERS.

13 (A) APPLICATIONS FOR APPOINTMENT OF HUMANE SOCIETY POLICE  
14 OFFICERS.--NO PERSON MAY EXERCISE THE POWERS CONFERRED UNDER 22  
15 PA.C.S. § 501(C) (RELATING TO APPOINTMENT BY NONPROFIT  
16 CORPORATIONS) UPON A HUMANE SOCIETY POLICE OFFICER OR THE POWERS  
17 CONFERRED UNDER 18 PA.C.S. § 5511 (RELATING TO CRUELTY TO  
18 ANIMALS) UPON AN AGENT OF A HUMANE SOCIETY UNLESS HE HAS BEEN  
19 APPOINTED AS A HUMANE SOCIETY POLICE OFFICER IN ACCORDANCE WITH  
20 22 PA.C.S. § 501. EACH HUMANE SOCIETY WHICH MAKES APPLICATION TO  
21 THE COURT OF COMMON PLEAS PURSUANT TO 22 PA.C.S. § 501 FOR THE  
22 APPOINTMENT OF A PERSON TO ACT AS A POLICE OFFICER FOR THE  
23 HUMANE SOCIETY SHALL PROVIDE WITH THE APPLICATION THE  
24 DOCUMENTATION THE COURT MAY REQUIRE TO VERIFY THAT THE PERSON  
25 HAS SATISFACTORILY COMPLETED A TRAINING PROGRAM OF 40 HOURS  
26 DEVELOPED AND ADMINISTERED BY A LAND GRANT INSTITUTION FOR THE  
27 SPECIFIC PURPOSE OF TRAINING HUMANE SOCIETY POLICE OFFICERS IN  
28 THE FOLLOWING SUBJECTS:

29 (1) CRUELTY TO ANIMALS LAWS.

30 (2) CARE AND TREATMENT OF ANIMALS.

(3) PENNSYLVANIA RULES OF CRIMINAL LAW AND CRIMINAL  
PROCEDURE.

(B) CRIMINAL HISTORY INFORMATION.--THE APPLICATION FOR THE  
APPOINTMENT OF A PERSON TO ACT AS A HUMANE SOCIETY POLICE  
OFFICER SHALL INCLUDE A REPORT OF CRIMINAL HISTORY RECORD  
INFORMATION FROM THE PENNSYLVANIA STATE POLICE, PURSUANT TO 18  
PA.C.S. CH. 91 (RELATING TO CRIMINAL HISTORY RECORD  
INFORMATION), OR A STATEMENT FROM THE PENNSYLVANIA STATE POLICE  
THAT THE PENNSYLVANIA STATE POLICE CENTRAL REPOSITORY CONTAINS  
NO SUCH INFORMATION RELATING TO THE PERSON WHO IS THE SUBJECT OF  
THE APPLICATION. THE CRIMINAL HISTORY RECORD INFORMATION SHALL  
BE LIMITED TO THAT WHICH MAY BE DISSEMINATED PURSUANT TO 18  
PA.C.S. § 9121(B)(2) (RELATING TO GENERAL REGULATIONS).

(C) LIMITATION ON THE POSSESSION OF FIREARMS.--NO PERSON  
APPOINTED AS A HUMANE SOCIETY POLICE OFFICER SHALL CARRY,  
POSSESS OR USE A FIREARM IN THE PERFORMANCE OF HIS OR HER DUTIES  
UNLESS SUCH PERSON HOLDS A CURRENT AND VALID CERTIFICATION IN  
THE USE AND HANDLING OF FIREARMS PURSUANT TO AT LEAST ONE OF THE  
FOLLOWING:

(1) THE ACT OF JUNE 18, 1974 (P.L.359, NO.120), REFERRED  
TO AS THE MUNICIPAL POLICE EDUCATION AND TRAINING LAW.

(2) THE ACT OF OCTOBER 10, 1974 (P.L.705, NO.235), KNOWN  
AS THE LETHAL WEAPONS TRAINING ACT.

(3) THE ACT OF FEBRUARY 9, 1984 (P.L.3, NO.2), KNOWN AS  
THE DEPUTY SHERIFFS' EDUCATION AND TRAINING ACT.

(4) ANY OTHER FIREARMS PROGRAM WHICH HAS BEEN DETERMINED  
BY THE COMMISSIONER OF THE PENNSYLVANIA STATE POLICE TO BE OF  
SUFFICIENT SCOPE AND DURATION AS TO PROVIDE THE PARTICIPANT  
WITH BASIC TRAINING IN THE USE AND HANDLING OF FIREARMS.

(D) JURISDICTION OF HUMANE SOCIETY POLICE OFFICERS.--A



1 HUMANE SOCIETY POLICE OFFICER SHALL NOT EXERCISE THE POWERS  
2 CONFERRED BY 22 PA.C.S. § 501(C) OR 18 PA.C.S. § 5511 IN A  
3 COUNTY UNLESS HE HAS BEEN APPOINTED TO SERVE IN THAT COUNTY BY  
4 THE COURT OF COMMON PLEAS OF THAT COUNTY IN ACCORDANCE WITH 22  
5 PA.C.S. § 501.

6 (E) APPLICATION OF ACT TO PRIOR APPOINTEES.--

7 (1) ANY HUMANE SOCIETY POLICE OFFICER WHO, PRIOR TO THE  
8 EFFECTIVE DATE OF THIS ACT, HAS SUCCESSFULLY COMPLETED A  
9 TRAINING COURSE SIMILAR TO THAT REQUIRED UNDER SUBSECTION (A)  
10 SHALL, AFTER REVIEW BY THE COURT OF COMMON PLEAS, BE  
11 CERTIFIED AS HAVING MET THE TRAINING REQUIREMENTS OF THIS  
12 ACT. ANY HUMANE SOCIETY POLICE OFFICER WHO, PRIOR TO THE  
13 EFFECTIVE DATE OF THIS ACT, HAS NOT SUCCESSFULLY COMPLETED A  
14 TRAINING COURSE SIMILAR TO THAT REQUIRED UNDER SUBSECTION (A)  
15 MAY CONTINUE TO PERFORM THE DUTIES OF A HUMANE SOCIETY POLICE  
16 OFFICER UNTIL SUCH PERSON HAS SUCCESSFULLY COMPLETED THE  
17 REQUIRED TRAINING COURSE, BUT NOT LONGER THAN TWO YEARS FROM  
18 THE EFFECTIVE DATE OF THIS ACT.

19 (2) ANY HUMANE SOCIETY POLICE OFFICER WHO, PRIOR TO THE  
20 EFFECTIVE DATE OF THIS ACT, HAS NOT BEEN CERTIFIED IN THE USE  
21 AND HANDLING OF FIREARMS PURSUANT TO ONE OR MORE OF THE ACTS  
22 SET FORTH IN SUBSECTION (C)(1), (2) AND (3) SHALL NOT CARRY  
23 OR POSSESS A FIREARM IN THE PERFORMANCE OF THE DUTIES OF A  
24 HUMANE SOCIETY POLICE OFFICER ON OR AFTER THE EFFECTIVE DATE  
25 OF THIS ACT UNTIL THE PERSON HAS, UNDER SUBSECTION (C), BEEN  
26 CERTIFIED IN THE USE AND HANDLING OF FIREARMS.

27 (F) OPTIONAL TRAINING PROGRAMS.--A HUMANE SOCIETY POLICE  
28 OFFICER MAY SATISFY THE TRAINING REQUIREMENTS OF SUBSECTION (A)  
29 BY SUCCESSFULLY COMPLETING A TRAINING PROGRAM DEVELOPED AND  
30 ADMINISTERED BY AN ACCREDITED COLLEGE OR UNIVERSITY OR COMMUNITY

COLLEGE, OR BY A PUBLIC OR PRIVATE ENTITY IF THE TRAINING PROGRAM HAS BEEN APPROVED BY THE DEPARTMENT OF AGRICULTURE AS MEETING THE TRAINING REQUIREMENTS OF SUBSECTION (A). THE DEPARTMENT SHALL, BY REGULATION, ESTABLISH STANDARDS AND PROCEDURES FOR APPROVING OPTIONAL TRAINING PROGRAMS.

SECTION 5. RIGHT TO REFUSE, SUSPEND OR REVOKE APPOINTMENT.

(A) REFUSAL, SUSPENSION OR REVOCATION REQUIRED.--THE COURT OF COMMON PLEAS SHALL REFUSE TO APPOINT A PERSON TO ACT AS A HUMANE SOCIETY POLICE OFFICER OR SHALL SUSPEND OR REVOKE THE APPOINTMENT OF A PERSON WHO IS ACTING AS A HUMANE SOCIETY POLICE OFFICER IF THE COURT DETERMINES THAT THE PERSON HAS:

(1) FAILED TO SATISFY THE TRAINING REQUIREMENTS OF SECTION 4(A).

(2) FAILED TO PROVIDE ANY DOCUMENTATION WHICH, UNDER SECTION 4(A), IS REQUIRED TO BE SUBMITTED WITH AN APPLICATION FOR APPOINTMENT OR WHICH THE COURT MAY REASONABLY REQUEST.

(3) HAD A CRIMINAL HISTORY RECORD WHICH WOULD DISQUALIFY THE APPLICANT FROM BECOMING A PRIVATE POLICE OFFICER PURSUANT TO 22 PA.C.S. CH. 5 (RELATING TO PRIVATE POLICE).

(4) BEEN CONVICTED OF VIOLATING 18 PA.C.S. § 5301 (RELATING TO OFFICIAL OPPRESSION).

(B) ADDITIONAL GROUNDS.--THE COURT OF COMMON PLEAS MAY REFUSE TO APPOINT A PERSON TO ACT AS A HUMANE SOCIETY POLICE OFFICER OR MAY SUSPEND OR REVOKE THE APPOINTMENT OF A PERSON WHO IS ACTING AS A HUMANE SOCIETY POLICE OFFICER IF THE COURT DETERMINES THAT THE PERSON HAS:

(1) MADE A FALSE OR MISLEADING STATEMENT IN THE APPLICATION FOR APPOINTMENT.

(2) CARRIED OR POSSESSED A FIREARM IN THE PERFORMANCE OF HIS OR HER DUTIES WITHOUT CERTIFICATION PURSUANT TO SECTION

1        4(C) .

2            (3)    ENGAGED IN CONDUCT WHICH CONSTITUTES A PRIMA FACIE  
3        VIOLATION OF 18 PA.C.S. § 5301.

4        (C)    EFFECT ON 22 PA.C.S. § 501.--NOTHING IN THIS SECTION  
5        SHALL BE CONSTRUED TO LIMIT THE AUTHORITY OF A COURT OF COMMON  
6        PLEAS TO DENY THE APPOINTMENT OF ANY PERSON OR TO PLACE UPON ANY  
7        PERSON ANY ADDITIONAL PREREQUISITES OR CONDITIONS OF  
8        APPOINTMENT, PURSUANT TO 22 PA.C.S. § 501(A) (RELATING TO  
9        APPOINTMENT BY NONPROFIT CORPORATIONS).  
10       SECTION 6.    EFFECTIVE DATE.  
11       THIS ACT SHALL TAKE EFFECT IN 60 DAYS.