

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 2542 Session of  
1994

INTRODUCED BY KAISER, GORDNER, D. R. WRIGHT, MIHALICH, PETTIT,  
GODSHALL, KING, MARKOSEK, MELIO, FARMER, HERSHEY, SCHEETZ,  
PISTELLA, KASUNIC, STERN, PETRARCA AND ROBERTS,  
FEBRUARY 8, 1994

SENATOR MADIGAN, AGRICULTURE AND RURAL AFFAIRS, AS AMENDED, IN  
SENATE, NOVEMBER 15, 1994

AN ACT

1 ~~Requiring applications for the appointment of humane society~~ <—  
2 ~~police officers to include certain documentation; and~~  
3 ~~providing for limitation on the possession of firearms by~~  
4 ~~humane society police officers and for enforcement and~~  
5 ~~jurisdiction.~~  
6 PROVIDING FOR HUMANE SOCIETY POLICE OFFICERS' APPOINTMENT, <—  
7 QUALIFICATIONS, AUTHORITY AND DISCIPLINE; FURTHER PROVIDING  
8 FOR SEARCH WARRANTS; AND CONFERRING POWERS AND DUTIES ON THE  
9 DEPARTMENT OF AGRICULTURE.

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

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 "Agricultural animal." Any bovine animal, equine animal,

1 sheep, goat, pig, poultry, bird, fowl, wild or semiwild animal  
2 or fish or other aquatic animal which is being raised, kept,  
3 transported or utilized for the purpose of or pursuant to  
4 agricultural production.

5 "Agricultural production." The production and preparation  
6 for market of agricultural animals and their products and of  
7 agricultural, agronomic, horticultural, silvicultural and  
8 aquacultural crops and commodities.

9 "Cruelty to animals laws." The provisions of 18 Pa.C.S. §  
10 5511 (relating to cruelty to animals).

11 "DEPARTMENT." THE DEPARTMENT OF AGRICULTURE OF THE  
12 COMMONWEALTH.

<—

13 "Humane society." A nonprofit society or association duly  
14 incorporated pursuant to 15 Pa.C.S. Ch. 53 Subch. A (relating to  
15 incorporation generally) for the purpose of the prevention of  
16 cruelty to animals.

17 "Humane society police officer." Any person duly appointed  
18 pursuant to 22 Pa.C.S. § 501 (relating to appointment by  
19 nonprofit corporations) to act as a police officer for a humane  
20 society. The term shall include any person who is an "agent" of  
21 a humane society as "agent" is used in 18 Pa.C.S. § 5511  
22 (relating to cruelty to animals).

23 "Land grant institution." Educational institutions located  
24 within or outside the geographic boundaries of this Commonwealth  
25 which have received a grant of public land made by the Congress  
26 of the United States for the support of education pursuant to  
27 the act of July 2, 1862 (12 Stat. 503, 7 U.S.C. § 301 et seq.),  
28 known as the Morrill Act.

29 ~~Section 3. Application of act.~~

<—

30 ~~This act shall apply to any nonprofit corporation, as defined~~

~~in 15 Pa.C.S. Pt. II Subpt. C (relating to nonprofit  
corporations), which is organized for the purpose of the  
prevention of cruelty to animals.~~

SECTION 3. APPOINTMENT BY COURT OF COMMON PLEAS; JURISDICTION  
OF HUMANE SOCIETY POLICE OFFICERS. <—

AN INDIVIDUAL MAY NOT EXERCISE THE POWERS CONFERRED UNDER 18  
PA.C.S. § 5511 (RELATING TO CRUELTY TO ANIMALS) UPON AN AGENT OF  
A HUMANE SOCIETY OR THE POWERS CONFERRED UNDER 22 PA.C.S. §  
501(C) (RELATING TO APPOINTMENT BY NONPROFIT CORPORATIONS) UPON  
A HUMANE SOCIETY POLICE OFFICER WITHIN THE BOUNDARIES OF A  
COUNTY UNLESS THE INDIVIDUAL HAS BEEN APPOINTED AS A HUMANE  
SOCIETY POLICE OFFICER IN THAT COUNTY IN ACCORDANCE WITH 22  
PA.C.S. § 501.

Section 4. Humane society police officers.

(a) Applications for appointment of humane society police  
officers.--~~No person may exercise the powers conferred under 22~~ <—  
~~Pa.C.S. § 501(c) (relating to appointment by nonprofit~~  
~~corporations) upon a humane society police officer or the powers~~  
~~conferred under 18 Pa.C.S. § 5511 (relating to cruelty to~~  
~~animals) upon an agent of a humane society unless he has been~~  
~~appointed as a humane society police officer in accordance with~~  
~~22 Pa.C.S. § 501. Each humane society which makes application to~~  
~~the court of common pleas pursuant to 22 Pa.C.S. § 501 for the~~  
~~appointment of a person to act as a police officer for the~~  
~~humane society shall provide with the application the~~  
~~documentation the court may require to verify that the person~~  
~~has satisfactorily completed a training program of 40 hours~~  
~~developed and administered by a land grant institution for the~~  
~~specific purpose of training humane society police officers in~~  
~~the following subjects:~~

1           ~~(1) Cruelty to animals laws.~~

2           ~~(2) Care and treatment of animals.~~

3           ~~(3) Pennsylvania rules of criminal law and criminal~~  
4 ~~procedure.~~

5           ~~(4) Humane husbandry activities, practices and~~  
6 ~~procedures with regard to agricultural animals.~~ NO SOCIETY,       <—  
7 ASSOCIATION, CORPORATION OR ORGANIZATION, OTHER THAN A HUMANE  
8 SOCIETY, IS ELIGIBLE UNDER 22 PA.C.S. § 501 (RELATING TO  
9 APPOINTMENT BY NONPROFIT CORPORATIONS) TO APPLY FOR OR  
10 RECEIVE APPOINTMENT OF ANY INDIVIDUAL AS A POLICE OFFICER IN  
11 THE ENFORCEMENT OF CRUELTY TO ANIMALS LAWS. EACH HUMANE  
12 SOCIETY WHICH MAKES APPLICATION TO THE COURT OF COMMON PLEAS  
13 PURSUANT TO 22 PA.C.S. § 501 FOR THE APPOINTMENT OF AN  
14 INDIVIDUAL TO ACT AS A POLICE OFFICER FOR THE HUMANE SOCIETY  
15 MUST PROVIDE WITH THE APPLICATION THE DOCUMENTATION THE COURT  
16 MAY REQUIRE THAT THE PERSON HAS SATISFACTORILY COMPLETED A  
17 TRAINING PROGRAM ESTABLISHED IN ACCORDANCE WITH SUBSECTION  
18 (B).

19       (B) HUMANE SOCIETY POLICE OFFICER TRAINING PROGRAM.--A LAND  
20 GRANT INSTITUTION MAY ESTABLISH A PROGRAM FOR TRAINING OF  
21 INDIVIDUALS TO ACT AS HUMANE SOCIETY POLICE OFFICERS.

22           (1) SUCH A PROGRAM MUST INCLUDE, AT A MINIMUM, A TOTAL  
23 OF 80 HOURS OF INSTRUCTION.

24           (2) AT LEAST 40 HOURS OF INSTRUCTION MUST BE PROVIDED IN  
25 THE FOLLOWING GROUP OF INSTRUCTIONAL AREAS:

26               (I) CRUELTY TO ANIMALS LAWS.

27               (II) CARE AND TREATMENT OF ANIMALS.

28               (III) PENNSYLVANIA RULES OF CRIMINAL LAW AND  
29 CRIMINAL PROCEDURE.

30               (IV) ANIMAL HUSBANDRY PRACTICES CONSTITUTING NORMAL

1 AGRICULTURAL OPERATION.

2 (V) PRACTICES ACCEPTED IN THE AGRICULTURAL INDUSTRY  
3 IN THE RAISING, KEEPING AND PRODUCTION OF AGRICULTURAL  
4 ANIMALS.

5 (VI) CHARACTERISTICS OF AGRICULTURAL ANIMALS LIKELY  
6 EVIDENCING CARE THAT IS VIOLATIVE OF THE CRUELTY TO  
7 ANIMALS LAWS.

8 (VII) PROPER CARE AND HANDLING OF AGRICULTURAL  
9 ANIMALS PURSUANT TO ENFORCEMENT OF THE CRUELTY TO ANIMALS  
10 LAWS.

11 (3) SUCH A PROGRAM MUST ALSO REQUIRE AN INDIVIDUAL, AS A  
12 PREREQUISITE TO SUCCESSFUL COMPLETION OF THE TRAINING  
13 PROGRAM, TO TAKE AND PASS A FINAL EXAMINATION THAT  
14 SUFFICIENTLY MEASURES THE INDIVIDUAL'S KNOWLEDGE AND  
15 UNDERSTANDING OF THE INSTRUCTIONAL MATERIAL.

16 ~~(b)~~ (C) Criminal history information.--The application for <—  
17 the appointment of a person to act as a humane society police  
18 officer shall include a report of criminal history record  
19 information from the Pennsylvania State Police, pursuant to 18  
20 Pa.C.S. Ch. 91 (relating to criminal history record  
21 information), or a statement from the Pennsylvania State Police  
22 that the Pennsylvania State Police central repository contains  
23 no such information relating to the person who is the subject of  
24 the application. The criminal history record information shall  
25 be limited to that which may be disseminated pursuant to 18  
26 Pa.C.S. § 9121(b)(2) (relating to general regulations).

27 ~~(e)~~ (D) Limitation on the possession of firearms.--No person <—  
28 appointed as a humane society police officer shall carry,  
29 possess or use a firearm in the performance of his or her duties  
30 unless such person holds a current and valid certification in

1 the use and handling of firearms pursuant to at least one of the  
2 following:

3 (1) The act of June 18, 1974 (P.L.359, No.120), referred  
4 to as the Municipal Police Education and Training Law.

5 (2) The act of October 10, 1974 (P.L.705, No.235), known  
6 as the Lethal Weapons Training Act.

7 (3) The act of February 9, 1984 (P.L.3, No.2), known as  
8 the Deputy Sheriffs' Education and Training Act.

9 (4) Any other firearms program which has been determined  
10 by the Commissioner of the Pennsylvania State Police to be of  
11 sufficient scope and duration as to provide the participant  
12 with basic training in the use and handling of firearms.

13 ~~(d) Jurisdiction of humane society police officers. A~~ <—  
14 ~~humane society police officer shall not exercise the powers~~  
15 ~~conferred by 22 Pa.C.S. § 501(c) or 18 Pa.C.S. § 5511 in a~~  
16 ~~county unless he has been appointed to serve in that county by~~  
17 ~~the court of common pleas of that county in accordance with 22~~  
18 ~~Pa.C.S. § 501.~~

19 (e) Application of act to prior appointees.--

20 (1) Any humane society police officer who, prior to the  
21 effective date of this act, has successfully completed a  
22 training course similar to that required under subsection (a) <—  
23 (B) shall, after review by the court of common pleas, be <—  
24 certified as having met the training requirements of this  
25 act. Any humane society police officer who, prior to the  
26 effective date of this act, has not successfully completed a  
27 training ~~course~~ PROGRAM similar to that required under <—  
28 subsection ~~(a)~~ (B) may continue to perform the duties of a <—  
29 humane society police officer until such person has  
30 successfully completed the required training ~~course~~ PROGRAM, <—

1 but not longer than two years from the effective date of this  
2 act.

3 (2) Any humane society police officer who, prior to the  
4 effective date of this act, has not been certified in the use  
5 and handling of firearms pursuant to one or more of the acts  
6 set forth in subsection ~~(e)(1)~~ (D)(1), (2) and (3) shall not <—  
7 carry or possess a firearm in the performance of the duties  
8 of a humane society police officer on or after the effective  
9 date of this act until the person has, under subsection ~~(e)~~ <—  
10 (D), been certified in the use and handling of firearms. <—

11 ~~(f) New appointees. Any humane society police officer who~~ <—  
12 ~~has not successfully completed a training course similar to that~~  
13 ~~required under subsection (a) may perform the duties of a humane~~  
14 ~~society police officer until such person has successfully~~  
15 ~~completed the required training course, but not longer than six~~  
16 ~~months from the date of application.~~

17 ~~(g)~~ (F) Optional training programs.--A humane society police <—  
18 officer may satisfy the training requirements of subsection ~~(a)~~ <—  
19 (B) by successfully completing a training program developed and <—  
20 administered by an accredited college or university or community  
21 college, or by a public or private entity if the training  
22 program has been approved by the ~~Department of Agriculture~~ <—  
23 DEPARTMENT as meeting the training requirements of subsection <—  
24 ~~(a)~~ (B). The department shall, by regulation, establish <—  
25 standards and procedures for approving optional training  
26 programs. PENDING PROMULGATION OF SUCH REGULATIONS, THE <—  
27 DEPARTMENT MAY ADOPT INTERIM GUIDELINES FOR APPROVAL OF OPTIONAL  
28 TRAINING PROGRAMS.

29 Section 5. ~~Right to refuse, suspend or revoke~~ REFUSAL, <—  
30 SUSPENSION OR REVOCATION OF appointment.

1 (a) Refusal, suspension or revocation required.--The court  
2 of common pleas shall refuse to appoint a person to act as a  
3 humane society police officer or shall suspend or revoke the  
4 appointment of a person who is acting as a humane society police  
5 officer if the court determines that the person has:

6 (1) Failed to satisfy the training requirements of  
7 section ~~4(a)~~ 4(B). <—

8 (2) Failed to provide any documentation which, under  
9 section 4(a), is required to be submitted with an application  
10 for appointment or which the court may reasonably request.

11 (3) Had a criminal history record which would disqualify  
12 the applicant from becoming a private police officer pursuant  
13 to 22 Pa.C.S. Ch. 5 (relating to private police).

14 (4) Been convicted of violating 18 Pa.C.S. § 5301  
15 (relating to official oppression).

16 (b) Additional grounds.--The court of common pleas may  
17 refuse to appoint a person to act as a humane society police  
18 officer or may suspend or revoke the appointment of a person who  
19 is acting as a humane society police officer if the court  
20 determines that the person has:

21 (1) Made a false or misleading statement in the  
22 application for appointment.

23 (2) Carried or possessed a firearm in the performance of  
24 his or her duties without certification pursuant to section  
25 ~~4(e)~~ 4(D). <—

26 (3) Engaged in conduct which constitutes a prima facie  
27 violation of 18 Pa.C.S. § 5301.

28 (4) Violated any of the provisions of this act.

29 (c) Effect on 22 Pa.C.S. § 501.--Nothing in this section  
30 shall be construed to limit the authority of a court of common

1 pleas to deny the appointment of any person or to place upon any  
2 person any additional prerequisites or conditions of  
3 appointment, pursuant to 22 Pa.C.S. § 501(a) (relating to  
4 appointment by nonprofit corporations).

5 SECTION 6. SEARCH WARRANTS. <—

6 NOTWITHSTANDING 18 PA.C.S. § 5511(1) (RELATING TO CRUELTY TO  
7 ANIMALS) OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE  
8 DISTRICT ATTORNEY OF ANY COUNTY SHALL REQUIRE THAT SEARCH  
9 WARRANT APPLICATIONS FILED IN THE COUNTY IN CONNECTION WITH AN  
10 ALLEGED VIOLATION OF THE CRUELTY TO ANIMALS LAWS HAVE THE  
11 APPROVAL OF THE DISTRICT ATTORNEY PRIOR TO FILING. THE COURT OF  
12 COMMON PLEAS SHALL ESTABLISH A PROCEDURE FOR APPROVAL OF SEARCH  
13 WARRANT APPLICATIONS IN EMERGENCY SITUATIONS IF THE DISTRICT  
14 ATTORNEY IS UNAVAILABLE.

15 Section 6 7. Effective date. <—

16 This act shall take effect in 60 days.