
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 TILGHMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, NOVEMBER 21, 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~~ SOCIETY OR ASSOCIATION FOR THE PREVENTION OF CRUELTY TO <—
21 ANIMALS. The term shall include any person who is an "agent" of
22 a ~~humane society~~ SOCIETY OR ASSOCIATION FOR THE PREVENTION OF <—
23 CRUELTY TO ANIMALS as "agent" is used in 18 Pa.C.S. § 5511
24 (relating to cruelty to animals).

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

1 ~~Section 3. Application of act.~~ <—

2 ~~This act shall apply to any nonprofit corporation, as defined~~
3 ~~in 15 Pa.C.S. Pt. II Subpt. C (relating to nonprofit~~
4 ~~corporations), which is organized for the purpose of the~~
5 ~~prevention of cruelty to animals.~~

6 "SOCIETY OR ASSOCIATION FOR THE PREVENTION OF CRUELTY TO <—
7 ANIMALS." A NONPROFIT SOCIETY OR ASSOCIATION DULY INCORPORATED
8 PURSUANT TO 15 PA.C.S. CH. 53 SUBCH. A (RELATING TO
9 INCORPORATION GENERALLY) FOR THE PURPOSE OF THE PREVENTION OF
10 CRUELTY TO ANIMALS.

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

13 AN INDIVIDUAL MAY NOT EXERCISE THE POWERS CONFERRED UNDER 18
14 PA.C.S. § 5511 (RELATING TO CRUELTY TO ANIMALS) UPON AN AGENT OF
15 A ~~HUMANE SOCIETY~~ SOCIETY OR ASSOCIATION FOR THE PREVENTION OF <—
16 CRUELTY TO ANIMALS OR THE POWERS CONFERRED UNDER 22 PA.C.S. §
17 501(C) (RELATING TO APPOINTMENT BY NONPROFIT CORPORATIONS) UPON
18 A HUMANE SOCIETY POLICE OFFICER WITHIN THE BOUNDARIES OF A
19 COUNTY UNLESS THE INDIVIDUAL HAS BEEN APPOINTED AS A HUMANE
20 SOCIETY POLICE OFFICER IN THAT COUNTY IN ACCORDANCE WITH 22
21 PA.C.S. § 501.

22 Section 4. Humane society police officers.

23 (a) Applications for appointment of humane society police
24 officers.--~~No person may exercise the powers conferred under 22~~ <—
25 ~~Pa.C.S. § 501(c) (relating to appointment by nonprofit~~
26 ~~corporations) upon a humane society police officer or the powers~~
27 ~~conferred under 18 Pa.C.S. § 5511 (relating to cruelty to~~
28 ~~animals) upon an agent of a humane society unless he has been~~
29 ~~appointed as a humane society police officer in accordance with~~
30 ~~22 Pa.C.S. § 501. Each humane society which makes application to~~

1 ~~the court of common pleas pursuant to 22 Pa.C.S. § 501 for the~~
2 ~~appointment of a person to act as a police officer for the~~
3 ~~humane society shall provide with the application the~~
4 ~~documentation the court may require to verify that the person~~
5 ~~has satisfactorily completed a training program of 40 hours~~
6 ~~developed and administered by a land grant institution for the~~
7 ~~specific purpose of training humane society police officers in~~
8 ~~the following subjects:~~

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

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

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

13 ~~(4) Humane husbandry activities, practices and~~
14 ~~procedures with regard to agricultural animals.~~ NO SOCIETY, <—
15 ASSOCIATION, CORPORATION OR ORGANIZATION, OTHER THAN A HUMANE <—
16 SOCIETY SOCIETY OR ASSOCIATION FOR THE PREVENTION OF CRUELTY <—
17 TO ANIMALS, IS ELIGIBLE UNDER 22 PA.C.S. § 501 (RELATING TO
18 APPOINTMENT BY NONPROFIT CORPORATIONS) TO APPLY FOR OR
19 RECEIVE APPOINTMENT OF ANY INDIVIDUAL AS A POLICE OFFICER IN
20 THE ENFORCEMENT OF CRUELTY TO ANIMALS LAWS. EACH HUMANE <—
21 SOCIETY SOCIETY OR ASSOCIATION FOR THE PREVENTION OF CRUELTY <—
22 TO ANIMALS WHICH MAKES APPLICATION TO THE COURT OF COMMON
23 PLEAS PURSUANT TO 22 PA.C.S. § 501 FOR THE APPOINTMENT OF AN
24 INDIVIDUAL TO ACT AS A POLICE OFFICER FOR THE HUMANE SOCIETY <—
25 SOCIETY OR ASSOCIATION FOR THE PREVENTION OF CRUELTY TO <—
26 ANIMALS MUST PROVIDE WITH THE APPLICATION THE DOCUMENTATION
27 THE COURT MAY REQUIRE THAT THE PERSON HAS SATISFACTORILY
28 COMPLETED A TRAINING PROGRAM ESTABLISHED IN ACCORDANCE WITH
29 SUBSECTION ~~(B)~~ (C)(1), (2), (3) AND (4). <—

30 (B) ADDITIONAL TRAINING REQUIREMENTS.--DURING EACH TWO-YEAR <—

1 PERIOD FOLLOWING THE DATE IN WHICH A HUMANE SOCIETY POLICE
2 OFFICER HAS BEEN INITIALLY APPOINTED, THE OFFICER SHALL
3 SUCCESSFULLY COMPLETE THE MINIMUM REQUIREMENTS FOR ADDITIONAL
4 TRAINING PRESCRIBED IN THE PROGRAM FOR CONTINUOUS TRAINING OF
5 HUMANE SOCIETY POLICE OFFICERS ESTABLISHED IN ACCORDANCE WITH
6 SUBSECTION (C)(5). THE SOCIETY OR ASSOCIATION FOR THE PREVENTION
7 OF CRUELTY TO ANIMALS FOR WHICH AN INDIVIDUAL IS ACTING AS
8 HUMANE SOCIETY POLICE OFFICER SHALL MAINTAIN COMPLETE AND
9 ACCURATE RECORDS DOCUMENTING THAT SUCH INDIVIDUAL HAS
10 SUCCESSFULLY COMPLETED ALL REQUIREMENTS FOR ADDITIONAL TRAINING
11 OF HUMANE SOCIETY POLICE OFFICERS ESTABLISHED IN ACCORDANCE WITH
12 SUBSECTION (C)(5). THE SOCIETY OR ASSOCIATION FOR THE PREVENTION
13 OF CRUELTY TO ANIMALS SHALL MAKE SUCH RECORDS AVAILABLE, UPON
14 REQUEST, TO THE COURT OF COMMON PLEAS WHICH APPOINTED THE
15 INDIVIDUAL AS A HUMANE SOCIETY POLICE OFFICER AND TO ANY PERSON.

16 ~~(B)~~ (C) HUMANE SOCIETY POLICE OFFICER TRAINING PROGRAM.--A <—
17 LAND GRANT INSTITUTION MAY ESTABLISH A PROGRAM FOR TRAINING OF
18 INDIVIDUALS TO ACT AS HUMANE SOCIETY POLICE OFFICERS.

19 (1) ~~SUCH A PROGRAM~~ THE PROGRAM FOR INITIAL TRAINING OF <—
20 HUMANE SOCIETY POLICE OFFICERS MUST INCLUDE, AT A MINIMUM, A
21 TOTAL OF ~~80~~ 56 HOURS OF INSTRUCTION, IN ACCORDANCE WITH <—
22 PARAGRAPHS (2), (3) AND (4).

23 (2) AT LEAST ~~40~~ 32 HOURS OF INSTRUCTION IN THE INITIAL <—
24 TRAINING PROGRAM MUST BE PROVIDED IN THE FOLLOWING GROUP OF
25 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 (3) AT LEAST 24 HOURS OF INSTRUCTION IN THE INITIAL <—

1 TRAINING PROGRAM MUST BE PROVIDED IN THE FOLLOWING GROUP OF
2 INSTRUCTIONAL AREAS:

3 ~~(IV)~~ (I) ANIMAL HUSBANDRY PRACTICES CONSTITUTING <—
4 NORMAL AGRICULTURAL OPERATION.

5 ~~(V)~~ (II) PRACTICES ACCEPTED IN THE AGRICULTURAL <—
6 INDUSTRY IN THE RAISING, KEEPING AND PRODUCTION OF
7 AGRICULTURAL ANIMALS.

8 ~~(VI)~~ (III) CHARACTERISTICS OF AGRICULTURAL ANIMALS <—
9 LIKELY EVIDENCING CARE THAT IS VIOLATIVE OF THE CRUELTY
10 TO ANIMALS LAWS.

11 ~~(VII)~~ (IV) PROPER CARE AND HANDLING OF AGRICULTURAL <—
12 ANIMALS PURSUANT TO ENFORCEMENT OF THE CRUELTY TO ANIMALS
13 LAWS.

14 ~~(3)—SUCH A~~ (4) THE INITIAL TRAINING PROGRAM MUST ALSO <—
15 REQUIRE AN INDIVIDUAL, AS A PREREQUISITE TO SUCCESSFUL
16 COMPLETION OF THE TRAINING PROGRAM, TO TAKE AND PASS A FINAL
17 EXAMINATION THAT SUFFICIENTLY MEASURES THE INDIVIDUAL'S
18 KNOWLEDGE AND UNDERSTANDING OF THE INSTRUCTIONAL MATERIAL.

19 (5) THE PROGRAM FOR CONTINUOUS TRAINING OF HUMANE <—
20 SOCIETY POLICE OFFICERS MUST PROVIDE FOR SUCH INSTRUCTION AS
21 WILL ALLOW AN INDIVIDUAL TO RECEIVE, AT A MINIMUM, A TOTAL OF
22 SIX HOURS OF ADDITIONAL INSTRUCTION EVERY TWO YEARS. AT LEAST
23 TWO OF THE SIX HOURS OF INSTRUCTION MUST BE PROVIDED IN AREAS
24 OF INSTRUCTION PRESCRIBED IN PARAGRAPH (3). THE PROGRAM MUST
25 ATTEMPT TO PROVIDE TO AN INDIVIDUAL INSTRUCTION THAT DIFFERS
26 FROM INSTRUCTION PREVIOUSLY PROVIDED TO THE INDIVIDUAL DURING
27 THE INDIVIDUAL'S INITIAL OR CONTINUOUS TRAINING.

28 ~~(b)—(c)~~ (D) Criminal history information.--The application <—
29 for the appointment of a person to act as a humane society
30 police officer shall include a report of criminal history record

1 information from the Pennsylvania State Police, pursuant to 18
2 Pa.C.S. Ch. 91 (relating to criminal history record
3 information), or a statement from the Pennsylvania State Police
4 that the Pennsylvania State Police central repository contains
5 no such information relating to the person who is the subject of
6 the application. The criminal history record information shall
7 be limited to that which may be disseminated pursuant to 18
8 Pa.C.S. § 9121(b)(2) (relating to general regulations).

9 ~~(c)-(D)~~ (E) Limitation on the possession of firearms.--No <—
10 person appointed as a humane society police officer shall carry,
11 possess or use a firearm in the performance of his or her duties
12 unless such person holds a current and valid certification in
13 the use and handling of firearms pursuant to at least one of the
14 following:

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

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

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

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

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

~~(e)~~ (F) Application of act to prior appointees.--

<—

(1) Any humane society police officer who, prior to the effective date of this act, has successfully completed a

training ~~course~~ PROGRAM similar to that required under

<—

~~subsection (a) (B)~~ SUBSECTIONS (A) AND (C) shall, after

<—

review by the court of common pleas, be certified as having

met the training requirements of this act. Any humane society

police officer who, prior to the effective date of this act,

has not successfully completed a training ~~course~~ PROGRAM

<—

similar to that required under ~~subsection (a) (B)~~ SUBSECTIONS

<—

(A) AND (C) may continue to perform the duties of a humane

society police officer until such person has successfully

completed the required training ~~course~~ PROGRAM, but not

<—

longer than two years from the effective date of this act.

(2) Any humane society police officer who, prior to the

effective date of this act, has not been certified in the use

and handling of firearms pursuant to one or more of the acts

set forth in ~~subsection (e)(1) (D)(1)~~ (E)(1), (2) and (3)

<—

shall not carry or possess a firearm in the performance of

the duties of a humane society police officer on or after the

effective date of this act until the person has, under

~~subsection (e) (D)~~ (E), been certified in the use and

<—

handling of firearms.

~~(f) New appointees. Any humane society police officer who~~

<—

~~has not successfully completed a training course similar to that~~

~~required under subsection (a) may perform the duties of a humane~~

~~society police officer until such person has successfully~~

~~completed the required training course, but not longer than six~~

~~months from the date of application.~~

~~(g) (F)~~ (G) Optional training programs.--A humane society

<—

1 police officer may satisfy the training requirements of
2 ~~subsection (a) (B)~~ SUBSECTIONS (A), (B) AND (C) by successfully <—
3 completing a training program developed and administered by an
4 accredited college or university or community college, or by a
5 public or private entity if the training program has been
6 approved by the ~~Department of Agriculture~~ DEPARTMENT as meeting <—
7 the training requirements of subsection ~~(a) (B)~~ (C). The <—
8 department shall, by regulation, establish standards and
9 procedures for approving optional training programs. PENDING <—
10 PROMULGATION OF SUCH REGULATIONS, THE DEPARTMENT MAY ADOPT
11 INTERIM GUIDELINES FOR APPROVAL OF OPTIONAL TRAINING PROGRAMS.
12 Section 5. ~~Right to refuse, suspend or revoke~~ REFUSAL, <—
13 SUSPENSION OR REVOCATION OF appointment.
14 (a) Refusal, suspension or revocation required.--The court
15 of common pleas shall refuse to appoint a person to act as a
16 humane society police officer or shall suspend or revoke the
17 appointment of a person who is acting as a humane society police
18 officer if the court determines that the person has:
19 (1) Failed to satisfy the training requirements of
20 section ~~4(a) 4(B)~~ 4(A), (B) AND (C). <—
21 (2) Failed to provide OR TO HAVE PROVIDED any <—
22 documentation which, under section 4(a), is required to be
23 submitted with an application for appointment or which the
24 court may reasonably request.
25 (3) Had a criminal history record which would disqualify
26 the applicant from becoming a private police officer pursuant
27 to 22 Pa.C.S. Ch. 5 (relating to private police).
28 (4) Been convicted of violating 18 Pa.C.S. § 5301
29 (relating to official oppression).
30 (b) Additional grounds.--The court of common pleas may

1 refuse to appoint a person to act as a humane society police
2 officer or may suspend or revoke the appointment of a person who
3 is acting as a humane society police officer if the court
4 determines that the person has:

5 ~~(1) Made a false or misleading statement in the~~ <—
6 ~~application for appointment.~~

7 (1) FAILED TO KEEP, MAINTAIN OR MAKE AVAILABLE SUCH <—
8 RECORDS AS ARE REQUIRED TO BE KEPT, MAINTAINED OR MADE
9 AVAILABLE UNDER SECTION 4(B) FOR CERTIFICATION OF COMPLETION
10 OF ADDITIONAL TRAINING REQUIREMENTS.

11 (2) MADE A FALSE OR MISLEADING STATEMENT IN THE
12 APPLICATION FOR APPOINTMENT OR A CERTIFICATION OF COMPLETION
13 OF ADDITIONAL TRAINING OR SUBMITTED OR HAD SUBMITTED AN
14 APPLICATION FOR APPOINTMENT OR A CERTIFICATION FOR COMPLETION
15 OF ADDITIONAL TRAINING CONTAINING A FALSE OR MISLEADING
16 STATEMENT.

17 ~~(2)~~ (3) Carried or possessed a firearm in the <—
18 performance of his or her duties without certification
19 pursuant to section ~~4(c)~~ ~~4(D)~~ 4(E). <—

20 ~~(3)~~ (4) Engaged in conduct which constitutes a prima <—
21 facie violation of 18 Pa.C.S. § 5301.

22 ~~(4)~~ (5) Violated any of the provisions of this act. <—

23 (c) Effect on 22 Pa.C.S. § 501.--Nothing in this section
24 shall be construed to limit the authority of a court of common
25 pleas to deny the appointment of any person or to place upon any
26 person any additional prerequisites or conditions of
27 appointment, pursuant to 22 Pa.C.S. § 501(a) (relating to
28 appointment by nonprofit corporations).

29 SECTION 6. SEARCH WARRANTS. <—

30 NOTWITHSTANDING 18 PA.C.S. § 5511(1) (RELATING TO CRUELTY TO

1 ANIMALS) OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
2 DISTRICT ATTORNEY OF ANY COUNTY SHALL REQUIRE THAT SEARCH
3 WARRANT APPLICATIONS FILED IN THE COUNTY IN CONNECTION WITH AN
4 ALLEGED VIOLATION OF THE CRUELTY TO ANIMALS LAWS HAVE THE
5 APPROVAL OF THE DISTRICT ATTORNEY PRIOR TO FILING. THE COURT OF
6 COMMON PLEAS SHALL ESTABLISH A PROCEDURE FOR APPROVAL OF SEARCH
7 WARRANT APPLICATIONS IN EMERGENCY SITUATIONS IF THE DISTRICT
8 ATTORNEY IS UNAVAILABLE.

9 SECTION 7. TEMPORARY APPOINTMENT. <—

10 (A) GENERAL RULE.--AN AGENT OF A SOCIETY OR ASSOCIATION FOR
11 THE PREVENTION OF CRUELTY TO ANIMALS MAY PETITION THE COURT OF
12 COMMON PLEAS FOR TEMPORARY APPOINTMENT AS A HUMANE SOCIETY
13 POLICE OFFICER, PROVIDED THAT:

14 (1) NO OTHER AGENT FOR THE SOCIETY OR ASSOCIATION FOR
15 THE PREVENTION OF CRUELTY TO ANIMALS IS CURRENTLY APPOINTED
16 TO ACT AS A HUMANE SOCIETY POLICE OFFICER FOR THAT SOCIETY.

17 (2) SUCH AGENT HAS NOT BEEN PREVIOUSLY APPOINTED UNDER
18 THIS SECTION TO ACT AS A HUMANE SOCIETY POLICE OFFICER.

19 (3) SUCH AGENT SUBMITS TO THE COURT OF COMMON PLEAS THE
20 CRIMINAL HISTORY INFORMATION PRESCRIBED IN SECTION 4(D) AND
21 SUCH INFORMATION SHOWS THAT SUCH AGENT WOULD NOT BE
22 DISQUALIFIED FROM APPOINTMENT UNDER SECTION 5(A)(3).

23 (B) EXPIRATION.--A TEMPORARY APPOINTMENT UNDER THIS SECTION
24 SHALL EXPIRE AT THE END OF SIX MONTHS OR SUCH TIME AS THE AGENT
25 OR ANY OTHER AGENT OF THE HUMANE SOCIETY HAS BEEN PERMANENTLY
26 APPOINTED BY THE COURT OF COMMON PLEAS TO ACT AS HUMANE SOCIETY
27 POLICE OFFICER IN THE COUNTY, WHICHEVER IS EARLIER. NO MORE THAN
28 ONE TEMPORARY APPOINTMENT SHALL BE EFFECTIVE FOR ANY SOCIETY OR
29 ASSOCIATION FOR THE PREVENTION OF CRUELTY TO ANIMALS AT ANY
30 TIME.

1 Section ~~6~~⁷ 8. Effective date.

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2 This act shall take effect in 60 days.