

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 871 Session of
2003

INTRODUCED BY WENGER, CORMAN, MADIGAN, THOMPSON, ROBBINS,
KASUNIC, M. WHITE, EARLL, WAUGH, LEMMOND, RAFFERTY,
TARTAGLIONE, COSTA, HELFRICK AND KITCHEN, JULY 15, 2003

SENATOR WAUGH, AGRICULTURE AND RURAL AFFAIRS, AS AMENDED,
MARCH 16, 2004

AN ACT

1 ~~Relating to and defining the profession of the humane society~~ <—
2 ~~police officer; conferring powers and imposing duties on the~~
3 ~~State Board of Humane Society Police Officers and the~~
4 ~~Department of Agriculture; providing for examination,~~
5 ~~licensure and continuing education; providing for the~~
6 ~~granting, cancellation, suspension and revocation of~~
7 ~~appointments; preserving the rights of existing appointments;~~
8 ~~providing for search warrants; providing for promulgation of~~
9 ~~rules and regulations; providing penalties and remedies for~~
10 ~~persons engaged in the profession of humane society police~~
11 ~~officers; promoting the protection of all domestic animals~~
12 ~~and preventing any acts of cruelty; and making a repeal.~~

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10 AMENDING TITLE 22 (DETECTIVES AND PRIVATE POLICE) OF THE <—
11 PENNSYLVANIA CONSOLIDATED STATUTES, FURTHER PROVIDING FOR
12 APPOINTMENT BY NONPROFIT CORPORATIONS; PROVIDING FOR HUMANE
13 SOCIETY POLICE OFFICERS' APPOINTMENT, QUALIFICATIONS,
14 AUTHORITY AND DISCIPLINE; CONFERRING POWERS AND DUTIES ON THE
15 DEPARTMENT OF AGRICULTURE; PROVIDING FOR SEARCH WARRANTS;
16 ESTABLISHING THE STATE BOARD OF HUMANE SOCIETY POLICE
17 OFFICERS AND THE HUMANE SOCIETY POLICE OFFICER TRAINING AND
18 EDUCATION ACCOUNT; AND MAKING A RELATED REPEAL.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 ~~Section. 1. Short title.~~ <—

22 ~~This act shall be known and may be cited as the Humane~~
23 ~~Society Police Officer Act.~~

24 ~~Section 2. Definitions.~~

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

28 ~~"Agricultural animal." A bovine animal, equine animal,~~
29 ~~sheep, goat, pig, poultry, bird, fowl, wild or semiwild animal~~
30 ~~or fish or other aquatic animal that is raised, kept,~~
31 ~~transported or utilized for the purpose of or pursuant to~~
32 ~~agricultural production.~~

33 ~~"Agricultural production." The production and preparation~~
34 ~~for market of agricultural animals and their products and of~~

~~agricultural, agronomic, horticultural, silvicultural and
aquacultural crops and commodities.~~

~~"Board." The State Board of Humane Society Police Officers.~~

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

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

~~"Humane society police officer." A person who is duly
appointed pursuant to 22 Pa.C.S. § 501 (relating to appointment
by nonprofit corporations) to act as a police officer for a
society or association for the prevention of cruelty to animals
or who is an agent of a society or association for the
prevention of cruelty to animals as the term "agent" is used in
18 Pa.C.S. § 5511 (relating to cruelty to animals).~~

~~"Land grant institution." An educational institution located
within or outside the geographic boundaries of this Commonwealth
that has received a grant of public land made by the Congress of
the United States for the support of education pursuant to the
act of July 2, 1862 (12 Stat. 503, 7 U.S.C. § 301 et seq.),
referred to as the Morrill Act.~~

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

~~Section 3. State Board of Humane Society Police Officers.~~

~~(a) Establishment. There is hereby established within the
Department of Agriculture a board to be known as the State Board
of Humane Society Police Officers. The board shall consist of
the following members:~~

~~(1) The Secretary of Agriculture or a designee.~~

~~(2) The State Veterinarian.~~

~~(3) Three humane society police officers, two humane society executive directors and one member representing the public at large, each of whom shall be appointed by the Governor with the advice and consent of a majority of the members elected to the Senate.~~

~~(4) Five veterinarians possessing the requisite qualifications to practice veterinary medicine under the laws of this Commonwealth, each of whom has at least five years' experience immediately preceding appointment with one of the following designated species: small animals, bovine, swine, equine and poultry. Each veterinarian shall be appointed by the Governor with the advice and consent of a majority of the members elected to the Senate. In appointing veterinarians, the Governor shall consider nominees suggested by Statewide farm organizations, the poultry industry and equine and livestock breeding organizations.~~

~~(5) Two members representing production agriculture, each of whom shall be appointed by the Governor with the advice and consent of a majority of the members elected to the Senate.~~

~~(b) Terms. The term of each member of the board shall be three years or until such time as a successor has been appointed and qualified, but not longer in any event than six months beyond the three year period. If any member dies or resigns or otherwise becomes disqualified during that member's term, a successor shall be appointed in the same way and with the same qualifications and shall hold office for the unexpired term. No member shall be eligible for appointment to serve more than two~~

1 ~~consecutive terms.~~

2 ~~(c) Quorum. A majority of the member of the board serving~~
3 ~~in accordance with law shall constitute a quorum for purposes of~~
4 ~~conducting the business of the board. A member may not be~~
5 ~~counted as part of a quorum or vote on any issue unless that~~
6 ~~member is physically in attendance at the meeting. The board~~
7 ~~shall keep a full and accurate record of all proceedings and of~~
8 ~~all resolutions and orders issued or adopted.~~

9 ~~(d) Chairperson and secretary. The Secretary of Agriculture~~
10 ~~shall serve as the chairperson of the board. The members shall~~
11 ~~elect a secretary.~~

12 ~~(e) Residency requirement. All members shall be residents~~
13 ~~of this Commonwealth.~~

14 ~~(f) Compensation. Each member of the board except the~~
15 ~~Secretary of Agriculture and the State Veterinarian shall~~
16 ~~receive \$100 per day for each day actually engaged in the~~
17 ~~business of the board as compensation for serving on the board~~
18 ~~and shall devote such time and effort to the prosecution of the~~
19 ~~board's business as necessary to fulfill the board's obligation~~
20 ~~under law. The members shall also be entitled to reimbursement~~
21 ~~in the amount of reasonable traveling, hotel and other necessary~~
22 ~~expenses incurred in the performance of their duties in~~
23 ~~accordance with Commonwealth regulations.~~

24 ~~(g) Attendance at meetings. A member of the board who fails~~
25 ~~to attend three consecutive meetings shall forfeit that member's~~
26 ~~seat unless the Secretary of Agriculture, upon written request~~
27 ~~from the member, finds that the member should be excused from a~~
28 ~~meeting because of illness or the death of a family member.~~

29 ~~(h) Seminars. A public member who fails to attend two~~
30 ~~consecutive statutorily mandated seminars in accordance with~~

1 ~~section 813(e) of the act of April 9, 1929 (P.L.177, No.175),~~
2 ~~known as The Administrative Code of 1929, shall forfeit that~~
3 ~~member's seat unless the Secretary of Agriculture, upon written~~
4 ~~request from the public member, finds that the public member~~
5 ~~should be excused from a meeting because of illness or the death~~
6 ~~of a family member.~~

7 ~~(i) Frequency of meetings. The board shall meet at least~~
8 ~~once every four months and at such additional times as may be~~
9 ~~necessary to conduct the business of the board.~~

10 ~~Section 4. Board duties, rights, privileges and powers.~~

11 ~~The board shall do all of the following:~~

12 ~~(1) Adopt reasonable rules and regulations governing~~
13 ~~humane society police officers as are necessary to enable it~~
14 ~~to carry out and make effective the purpose and intent of~~
15 ~~this act.~~

16 ~~(2) Adopt rules and regulations of professional conduct~~
17 ~~for humane society police officers which are appropriate to~~
18 ~~establish and maintain a high standard of integrity and~~
19 ~~skills.~~

20 ~~(3) Have its rules printed and distributed to all humane~~
21 ~~society police officers.~~

22 ~~(4) Administer and enforce the law and rules and~~
23 ~~regulations relating to humane society police officers.~~

24 ~~(5) Approve the qualifications of applicants for~~
25 ~~appointments to become humane society police officers.~~

26 ~~(6) Prescribe the subject, character, manner, time and~~
27 ~~place of holding training, examinations and the filing of~~
28 ~~applications for examinations. The board may require the~~
29 ~~payment of fees by applicants for training, continuing~~
30 ~~education and examinations.~~

1 ~~(7) Issue temporary permits to duly qualified~~
2 ~~applicants, signed by the chairperson and attested by the~~
3 ~~secretary under an adopted seal.~~

4 ~~(8) Provide for, regulate and require all persons~~
5 ~~appointed in accordance with the provisions of this act to~~
6 ~~register their appointment biennially, to require as a~~
7 ~~condition precedent to such biennial registration the payment~~
8 ~~of the biennial registration fee as provided in this act, to~~
9 ~~issue biennial registration certificates to such persons and~~
10 ~~to suspend or revoke the registration of such persons who~~
11 ~~fail, refuse or neglect to register same or pay such fees.~~

12 ~~(9) Conduct investigations and hearings upon complaints~~
13 ~~calling for discipline of an appointee.~~

14 ~~(10) Have summons and subpoenas issued, if necessary,~~
15 ~~for any witnesses or subpoenas duces tecum in connection with~~
16 ~~any matter within the jurisdiction of the board.~~

17 ~~(11) Adopt such forms as it may deem necessary.~~

18 ~~(12) Submit annually to the Appropriations Committee of~~
19 ~~the Senate and the Appropriations Committee of the House of~~
20 ~~Representatives not more than 15 days after the Governor has~~
21 ~~submitted the budget required by law to the General Assembly,~~
22 ~~a copy of the budget request for the upcoming fiscal year~~
23 ~~which the board previously submitted to the Department of~~
24 ~~Agriculture.~~

25 ~~(13) Submit annually a report to the Agricultural and~~
26 ~~Rural Affair Committees of both the Senate and the House of~~
27 ~~Representatives containing a description of the types of~~
28 ~~complaints received, the status of ongoing cases, board~~
29 ~~action which has been taken and the length of time from the~~
30 ~~initial complaint to final board resolution.~~

~~(14) Keep records of its proceedings, especially regarding the issuance, denial, registration, suspension and revocation of appointment for humane society police officers. All appointments issued by the board shall be numbered and recorded by the secretary, and a file kept for that purpose and such file or record shall be open to the public inspection. In all actions or proceedings in any court, a transcript of any record or any part thereof, which is certified to be a true copy by the secretary, shall be entitled to admission in evidence.~~

~~Section 5. Humane society police officers.~~

~~(a) Application for appointment of humane society police officers. No society, association, corporation or organization, other than a society or association for the prevention of cruelty to animals, shall be eligible under 22 Pa.C.S. § 501 (relating to appointment by nonprofit corporations) to apply for or receive appointment of any individual as a police officer in the enforcement of cruelty to animals laws. Each society or association for the prevention of cruelty to animals which makes application to the board pursuant to 22 Pa.C.S. § 501 for the appointment of an individual to act as a police officer for the society or association for the prevention of cruelty to animals must provide an application, a fee determined by the board and the documentation the board may require to demonstrate that the person has satisfactorily completed a training program established in accordance with section 6.~~

~~(b) Appointment by board and jurisdiction of humane society police officers. An individual may not exercise the powers conferred upon an agent of a society or association for the prevention of cruelty to animals under 18 Pa.C.S. § 5511~~

~~(relating to cruelty to animals) or the powers conferred upon a humane society police officer within the boundaries of a county under 22 Pa.C.S. § 501(c) unless such powers are exercised in full accordance with all of the provisions of 22 Pa.C.S. § 501.~~

~~(c) Requirement of appointment as a humane society police officer. A humane society police officer must complete a humane society police officer training program as constituted and certified by the board.~~

~~(d) 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 pertinent 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).~~

~~(e) Refusal, suspension or revocation of appointment. The board 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 board determines that the person:~~

~~(1) Has failed to satisfy the training requirements of section 6.~~

~~(2) Has failed to provide documentation which is required by this act to be submitted with an application for appointment or other documentation which the board may reasonably request.~~

~~(3) Has 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) Has been convicted of violating 18 Pa.C.S. § 5301 (relating to official oppression).~~

~~(f) Additional grounds for refusal, suspension or revocation of appointment. The board 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 acts as a humane society police officer if the board determines that the person:~~

~~(1) Has failed to keep, maintain or make available such records as are required to be kept, maintained or made available under section 6(f) for certification of completion of additional training requirements.~~

~~(2) Has made a false or misleading statement in the application for appointment or a certification of completion of additional training or submitted an application for appointment or a certification for completion of additional training containing a false or misleading statement.~~

~~(3) Has carried or possessed a firearm in the performance of duty without certification pursuant to section 7.~~

~~(4) Has engaged in conduct which constitutes a prima facie violation of 18 Pa.C.S. § 5301.~~

~~(5) Has violated any of the provisions of this act.~~

~~(g) Effect on 22 Pa.C.S. § 501. Nothing in this section shall be construed to limit the authority of the board to deny the appointment of any person or to place upon any person any additional prerequisites or conditions of appointment pursuant to 22 Pa.C.S. § 501(a).~~

~~Section 6. Humane society police officer training program.~~

~~(a) General rule. A land grant institution approved by the board may establish a program for training of individuals to act as humane society police officers.~~

~~(b) Minimum requirements. The program for initial training of humane society police officers must include, at a minimum, a total of 56 hours of instruction in accordance with subsections (c) and (d).~~

~~(c) Instructional areas. At least 32 hours of instruction in the initial training program must be provided in the following group of instructional areas:~~

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

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

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

~~(d) Curriculum. At least 24 hours of instruction in the initial training program must be provided in the following group of instructional areas:~~

~~(1) Animal husbandry practices constituting normal agricultural operation.~~

~~(2) Practices accepted in the agricultural industry in the raising, keeping and production of agricultural animals.~~

~~(3) Characteristics of agricultural animals likely evidencing care that is violative of the cruelty to animals laws.~~

~~(4) Proper care and handling of agricultural animals pursuant to enforcement of the cruelty to animals laws.~~

~~(5) Treatments administered and research conducted during the normal scope of veterinarian practices.~~

~~(e) Final examination. The initial training program must~~

~~also require an individual, as a prerequisite to successful completion of the training program, to take and pass a final examination that sufficiently measures the individual's knowledge and understanding of the instructional material.~~

~~(f) Continuing education.~~

~~(1) The program for continuous training of humane society police officers must provide for such instruction as will allow an individual to receive, at a minimum, a total of ten hours of additional instruction every two years. At least two of the eight hours of instruction must be provided in areas of instruction prescribed in subsection (d). The program must attempt to provide to an individual instruction that differs from instruction previously provided to the individual during the individual's initial or continuous training.~~

~~(2) The society or association for the prevention of cruelty to animals for which an individual acts as humane society police officer shall maintain complete and accurate records documenting that the individual has successfully completed all requirements for additional training of humane society police officers established in accordance with subsection (g). The society or association for the prevention of cruelty to animals shall make such records available, upon request, to the board and to any person.~~

~~(g) Additional training requirements. During each two year period following the date in which a humane society police officer has been initially appointed, the officer shall successfully complete the minimum requirements for additional training prescribed in the program for continuous training of humane society police officers established in accordance with~~

1 ~~subsection (f).~~

2 ~~Section 7. Limitation on possession of firearms.~~

3 ~~No person appointed as a humane society police officer shall~~
4 ~~carry, possess or use a firearm in the performance of that~~
5 ~~person's duties unless that person holds a current and valid~~
6 ~~certification in the use and handling of firearms pursuant to at~~
7 ~~least one of the following:~~

8 ~~(1) 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal~~
9 ~~police education and training).~~

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

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

14 ~~(4) Any other firearms program which has been determined~~
15 ~~by the Commissioner of the Pennsylvania State Police to be of~~
16 ~~sufficient scope and duration as to provide the person with~~
17 ~~basic training in the use and handling of firearms.~~

18 ~~Section 8. Search warrants.~~

19 ~~Notwithstanding contrary provisions of 18 Pa.C.S. § 5511(1)~~
20 ~~(relating to cruelty to animals) and in addition to the~~
21 ~~requirements of existing law, all search warrant applications~~
22 ~~filed in connection with alleged violations of cruelty to~~
23 ~~animals laws must have the approval of the district attorney~~
24 ~~prior to filing.~~

25 ~~Section 9. Procedure in disciplinary actions.~~

26 ~~(a) Due process. Disciplinary actions of the board shall be~~
27 ~~taken subject only after affording due notice, hearing,~~
28 ~~adjudication and a right of appeal in accordance with 2 Pa.C.S.~~
29 ~~(relating to administrative law and procedure).~~

30 ~~(b) Temporary suspension.~~

1 ~~(1) The board shall temporarily suspend an appointment~~
2 ~~under circumstances determined by the board to constitute an~~
3 ~~immediate and clear danger to the public health or safety.~~
4 ~~Temporary suspensions shall remain in effect until vacated by~~
5 ~~the board, but in no event longer than 180 days.~~

6 ~~(2) Notwithstanding subsection (a), the board may order~~
7 ~~a temporary suspension without first holding a hearing, but~~
8 ~~such order shall be issued only after providing due notice to~~
9 ~~the appointee at the appointee's last known address, which~~
10 ~~shall include a written statement of all allegations.~~

11 ~~(3) Thereafter, the board shall commence formal action~~
12 ~~forthwith to suspend, revoke or restrict the appointment as~~
13 ~~provided in this act. In such instances, action shall be~~
14 ~~taken promptly and without delay.~~

15 ~~(4) Within 30 days after issuing an order temporarily~~
16 ~~suspending an appointment, the board shall conduct or cause~~
17 ~~to be conducted a preliminary hearing to determine whether~~
18 ~~there is a prima facie case supporting suspension. The~~
19 ~~appointee may be present at the preliminary hearing and may~~
20 ~~be represented by counsel, call and cross examine witnesses,~~
21 ~~inspect physical evidence, offer evidence and testimony and~~
22 ~~make a record of the proceedings.~~

23 ~~(5) If no prima facie case is presented, the suspension~~
24 ~~shall be removed immediately.~~

25 ~~(c) Automatic suspension.—~~

26 ~~(1) An appointment issued under this act shall be~~
27 ~~suspended automatically if the appointee is legally committed~~
28 ~~to an institution due to mental incompetency, upon filing~~
29 ~~with the board a certified copy of such commitment, upon~~
30 ~~conviction of a felony under the act of April 14, 1972~~

1 ~~(P.L.233, No.64), known as The Controlled Substance, Drug,~~
2 ~~Device and Cosmetic Act, or upon conviction of an offense~~
3 ~~under the laws of another jurisdiction, which, if committed~~
4 ~~in this Commonwealth, would be a felony under The Controlled~~
5 ~~Substance, Drug, Device and Cosmetic Act.~~

6 ~~(2) As used in this subsection, the term "conviction"~~
7 ~~shall include a judgment, an admission of guilt or a plea of~~
8 ~~nolo contendere.~~

9 ~~(3) Suspension under this section shall not be stayed~~
10 ~~pending appeal of a conviction. Restoration of such~~
11 ~~appointment shall be made as provided in this act for~~
12 ~~revocation or suspension of such appointment.~~

13 ~~Section 10. Misdemeanor of the third degree.~~

14 ~~A person who fails to return a suspended or revoked~~
15 ~~appointment or registration in such a manner as the board~~
16 ~~directs commits a misdemeanor of the third degree.~~

17 ~~Section 11. Reinstatement of appointment, certificate or~~
18 ~~registration.~~

19 ~~Unless ordered to do so by a court, the board may not~~
20 ~~reinstate the appointment, certificate or registration of a~~
21 ~~humane society police officer that has been revoked. Any person~~
22 ~~whose appointment has been revoked may apply for reinstatement~~
23 ~~after a period of at least five years but must meet all~~
24 ~~licensing qualifications set by this act, including the~~
25 ~~examination requirement.~~

26 ~~Section 12. Enforcement duties and powers.~~

27 ~~(a) General rule. The enforcement of laws and rules~~
28 ~~regulating humane society police officers is primarily vested in~~
29 ~~the board, which shall have the following powers and duties:~~

30 ~~(1) To inspect appointments.~~

1 ~~(2) To conduct investigations of alleged violations of~~
2 ~~this act.~~

3 ~~(3) To issue subpoenas, upon application of an attorney~~
4 ~~representing the Commonwealth in disciplinary matters before~~
5 ~~the board, for the purpose of investigating alleged~~
6 ~~violations of the disciplinary provisions administered by the~~
7 ~~board. The board shall have the power to subpoena witnesses,~~
8 ~~to administer oaths, to examine witnesses and to take such~~
9 ~~testimony or compel the production of such books, records,~~
10 ~~papers and documents as it may deem necessary or proper in~~
11 ~~and pertinent to any proceeding, investigation or hearing~~
12 ~~held or had by it. Medical records may not be subpoenaed~~
13 ~~without consent of the patient or without order of a court of~~
14 ~~competent jurisdiction on a showing that the records are~~
15 ~~reasonably necessary for the conduct of the investigation.~~
16 ~~The board may impose such limitations on the scope of the~~
17 ~~subpoena as are necessary to prevent unnecessary intrusion~~
18 ~~into confidential information. The board is authorized to~~
19 ~~apply to Commonwealth Court to enforce its subpoenas. An~~
20 ~~attorney responsible for representing the Commonwealth in~~
21 ~~disciplinary matters before the board shall notify the board~~
22 ~~immediately upon receiving notification of an alleged~~
23 ~~violation of this act. The board shall maintain current~~
24 ~~records of all reported alleged violations and periodically~~
25 ~~review the records for the purpose of determining that each~~
26 ~~alleged violation has been resolved in a timely manner.~~

27 ~~(b) Rules and regulations. The board may make such~~
28 ~~reasonable rules and regulations as it deems necessary and~~
29 ~~proper in order to carry out the intent and purpose of this act.~~

30 ~~Section 13. Temporary appointment.~~

~~(a) General rule. An agent of a society or association for the prevention of cruelty to animals may petition the board for temporary appointment as a humane society police officer, provided that:~~

~~(1) No other agent for the society or association for the prevention of cruelty to animals is currently appointed to act as a humane society police officer for that society.~~

~~(2) The agent has not been previously appointed under this section.~~

~~(3) The agent submits to the board the criminal history information prescribed in section 5(d) and such information shows that such agent would not be disqualified from appointment under section 5(e)(3).~~

~~(b) Expiration. A temporary appointment under this section shall expire at the end of six months or such time as the agent or any other agent of the humane society has been permanently appointed by the board to act as humane society police officer in the county, whichever is earlier. No more than one temporary appointment shall be effective for any society or association for the prevention of cruelty to animals at any time.~~

~~Section 14. Application of act to prior appointees.~~

~~(a) General rule. A humane society police officer who, prior to the effective date of this act:~~

~~(1) Has successfully completed a training program similar to that required under section 6 shall, after review by the board, be certified as having met the training requirements of this act.~~

~~(2) Has not successfully completed a training program similar to that required under section 6 may continue to perform the duties of a humane society police officer until~~

~~such person has successfully completed the required training program, but not longer than one year from the effective date of this act.~~

~~(b) Uncertified officers. A 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 provisions of section 7 may 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 been certified in the use and handling of firearms in accordance with this act.~~

~~Section 15. Regulations.~~

~~The department shall promulgate such regulations, if any, as are necessary to implement and enforce this act.~~

~~Section 16. Repeals.~~

~~(a) Specific repeals. The following acts or parts of acts are repealed in part:~~

~~22 Pa.C.S. § 501 to the extent that it deals with animals and cruelty to animals.~~

~~(b) Inconsistent repeals. The following acts or parts of acts are repealed insofar as they are inconsistent with this act:~~

~~Act of December 12, 1994 (P.L.956, No.135), known as the Humane Society Police Officer Enforcement Act.~~

~~Section 17. Effective date.~~

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

~~SECTION 1. SECTION 501(A) AND (C) OF TITLE 22 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:~~

~~§ 501. APPOINTMENT BY NONPROFIT CORPORATIONS.~~

~~(A) APPOINTMENT AUTHORIZED.--ANY NONPROFIT CORPORATION, AS~~

<—

1 DEFINED IN 15 PA.C.S. PT. II SUBPT. C (RELATING TO NONPROFIT
2 CORPORATIONS) MAINTAINING A CEMETERY OR ANY BUILDINGS OR GROUNDS
3 OPEN TO THE PUBLIC, OR ORGANIZED FOR THE PREVENTION OF CRUELTY
4 TO CHILDREN OR AGED PERSONS [OR ANIMALS], OR ONE OR MORE OF SUCH
5 PURPOSES, MAY APPLY TO THE COURT OF COMMON PLEAS OF THE COUNTY
6 OF THE REGISTERED OFFICE OF THE CORPORATION FOR THE APPOINTMENT
7 OF SUCH PERSONS AS THE CORPORATION MAY DESIGNATE TO ACT AS
8 POLICEMEN FOR THE CORPORATION. THE COURT, UPON SUCH APPLICATION,
9 MAY BY ORDER APPOINT SUCH PERSONS, OR AS MANY OF THEM AS IT MAY
10 DEEM PROPER AND NECESSARY, TO BE SUCH POLICEMEN.

11 * * *

12 (C) POWERS.--SUCH POLICEMEN, SO APPOINTED, SHALL SEVERALLY
13 POSSESS AND EXERCISE ALL THE POWERS OF A POLICE OFFICER IN THIS
14 COMMONWEALTH, IN AND UPON, AND IN THE IMMEDIATE AND ADJACENT
15 VICINITY OF, THE PROPERTY OF THE CORPORATION. POLICEMEN SO
16 APPOINTED FOR A CORPORATION ORGANIZED FOR THE PREVENTION OF
17 CRUELTY TO CHILDREN OR AGED PERSONS [OR ANIMALS], OR ONE OR MORE
18 OF SUCH PURPOSES, SHALL SEVERALLY POSSESS AND EXERCISE ALL THE
19 POWERS OF A POLICE OFFICER IN ANY COUNTY IN WHICH THEY MAY BE
20 DIRECTED BY THE CORPORATION TO ACT, AND ARE HEREBY AUTHORIZED TO
21 ARREST PERSONS FOR THE COMMISSION OF ANY OFFENSE OF CRUELTY TO
22 CHILDREN OR AGED PERSONS [OR ANIMALS]. THE KEEPERS OF JAILS AND
23 OTHER PLACES OF DETENTION IN ANY COUNTY OF THIS COMMONWEALTH
24 SHALL RECEIVE ALL PERSONS ARRESTED BY SUCH POLICEMEN FOR
25 PURPOSES OF DETENTION UNTIL THEY ARE DEALT WITH ACCORDING TO
26 LAW. EVERY POLICEMAN APPOINTED UNDER THIS SECTION, WHEN ON DUTY,
27 SHALL WEAR A METALLIC SHIELD WITH THE WORDS "SPECIAL OFFICER"
28 AND THE NAME OF THE CORPORATION FOR WHICH APPOINTED INSCRIBED
29 THEREON.

30 * * *

1 SECTION 2. TITLE 22 IS AMENDED BY ADDING A CHAPTER TO READ:

2 CHAPTER 37

3 HUMANE SOCIETY POLICE OFFICERS

4 SEC.

5 3701. SCOPE.

6 3702. DEFINITIONS.

7 3703. APPOINTMENT REQUIRED.

8 3704. STATE BOARD OF HUMANE SOCIETY POLICE OFFICERS.

9 3705. POWERS OF THE BOARD.

10 3706. DUTIES OF THE BOARD.

11 3707. QUALIFICATIONS FOR APPOINTMENT.

12 3708. TEMPORARY APPOINTMENT.

13 3709. REFUSAL, SUSPENSION AND REVOCATION OF APPOINTMENT.

14 3710. REINSTATEMENT OF APPOINTMENT.

15 3711. SURRENDER OF SUSPENDED OR REVOKED APPOINTMENT.

16 3712. JURISDICTION OF HUMANE SOCIETY POLICE OFFICERS.

17 3713. PENALTIES.

18 3714. APPOINTMENT RENEWAL; FEES.

19 3715. TRAINING PROGRAM.

20 3716. CONTINUING EDUCATION.

21 3717. LIMITATION ON POSSESSION OF FIREARMS.

22 3718. SEARCH WARRANTS.

23 3719. SOCIETIES OR ASSOCIATIONS FOR THE PREVENTION OF CRUELTY

24 TO ANIMALS.

25 3720. HUMANE SOCIETY POLICE OFFICER TRAINING AND EDUCATION

26 ACCOUNT.

27 3721. SURCHARGE AND DISPOSITION OF FINES.

28 § 3701. SCOPE.

29 THIS CHAPTER DEALS WITH HUMANE SOCIETY POLICE OFFICERS.

30 § 3702. DEFINITIONS.

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

"ACCOUNT." THE HUMANE SOCIETY POLICE OFFICER TRAINING AND
EDUCATION ACCOUNT ESTABLISHED IN SECTION 3720 (RELATING TO
HUMANE SOCIETY POLICE OFFICER TRAINING AND EDUCATION ACCOUNT).

"AGRICULTURAL ANIMAL." ANY BOVINE ANIMAL, EQUINE ANIMAL,
SHEEP, GOAT, PIG, POULTRY, BIRD, FOWL, WILD OR SEMIWILD ANIMAL
OR FISH OR OTHER AQUATIC ANIMAL WHICH IS BEING RAISED, KEPT,
TRANSPORTED OR UTILIZED FOR THE PURPOSE OF OR PURSUANT TO
AGRICULTURAL PRODUCTION.

"AGRICULTURAL PRODUCTION." THE PRODUCTION AND PREPARATION
FOR MARKET OF AGRICULTURAL ANIMALS AND THEIR PRODUCTS AND OF
AGRICULTURAL, AGRONOMIC, HORTICULTURAL, SILVICULTURAL AND
AQUACULTURAL CROPS AND COMMODITIES.

"BOARD." THE STATE BOARD OF HUMANE SOCIETY POLICE OFFICERS.

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

"DEPARTMENT." THE DEPARTMENT OF AGRICULTURE OF THE
COMMONWEALTH.

"HUMANE SOCIETY POLICE OFFICER." ANY NATURAL PERSON WHO IS
DULY EMPLOYED, EITHER PART TIME OR FULL TIME, BY A SOCIETY OR
ASSOCIATION FOR THE PREVENTION OF CRUELTY TO ANIMALS, TO ACT AS
A POLICE OFFICER FOR A SOCIETY OR ASSOCIATION FOR THE PREVENTION
OF CRUELTY TO ANIMALS AND WHO HOLDS A CURRENT APPOINTMENT UNDER
THIS CHAPTER. THE TERM SHALL INCLUDE AN INDIVIDUAL WHO IS AN
"AGENT" OF A SOCIETY OR ASSOCIATION FOR THE PREVENTION OF
CRUELTY TO ANIMALS AS "AGENT" AS USED IN 18 PA.C.S. § 5511
(RELATING TO CRUELTY TO ANIMALS) PROVIDED THAT INDIVIDUAL HOLDS
A CURRENT APPOINTMENT UNDER THIS CHAPTER.

1 "SECRETARY." THE SECRETARY OF AGRICULTURE OF THE
2 COMMONWEALTH.

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

8 § 3703. APPOINTMENT REQUIRED.

9 IT SHALL BE UNLAWFUL FOR ANY INDIVIDUAL TO HOLD HIMSELF OR
10 HERSELF FORTH AS A HUMANE SOCIETY POLICE OFFICER UNLESS THE
11 INDIVIDUAL HAS OBTAINED AN APPOINTMENT PURSUANT TO THIS CHAPTER.

12 § 3704. STATE BOARD OF HUMANE SOCIETY POLICE OFFICERS.

13 (A) ESTABLISHMENT.--THERE IS HEREBY ESTABLISHED THE STATE
14 BOARD OF HUMANE SOCIETY POLICE OFFICERS, A DEPARTMENTAL
15 ADMINISTRATIVE BOARD WITHIN THE DEPARTMENT OF AGRICULTURE. THE
16 BOARD SHALL HAVE 11 MEMBERS, ONE OF WHOM SHALL BE THE SECRETARY
17 OR THE SECRETARY'S DESIGNEE WHO SHALL ACT AS CHAIRPERSON AND WHO
18 IS AUTHORIZED TO PARTICIPATE IN AND VOTE ON ALL MATTERS BEFORE
19 THE BOARD. THE FOLLOWING REMAINING MEMBERS MUST BE CITIZENS OF
20 THE UNITED STATES WHO HAVE BEEN RESIDENTS OF THIS COMMONWEALTH
21 FOR A TWO-YEAR PERIOD:

22 (1) TWO REPRESENTATIVES OF SOCIETIES FOR THE PREVENTION
23 OF CRUELTY TO ANIMALS.

24 (2) A HUMANE SOCIETY POLICE OFFICER.

25 (3) A REPRESENTATIVE OF A STATEWIDE VETERINARY MEDICAL
26 ASSOCIATION.

27 (4) TWO REPRESENTATIVES OF FARM ORGANIZATIONS.

28 (5) A DISTRICT ATTORNEY OR THE DISTRICT ATTORNEY'S
29 DESIGNEE.

30 (6) A DISTRICT JUSTICE.

1 (7) A POLICE CHIEF OF A LOCAL MUNICIPALITY LOCATED
2 WITHIN THIS COMMONWEALTH.

3 (8) A PUBLIC MEMBER.

4 (B) TERMS.--EXCEPT AS PROVIDED IN SUBSECTION (C), THE TERM
5 OF EACH MEMBER SHALL BE FOUR YEARS OR UNTIL SUCH TIME AS A
6 SUCCESSOR HAS BEEN APPOINTED AND QUALIFIED, BUT NOT LONGER IN
7 ANY EVENT THAN SIX MONTHS BEYOND THE FOUR-YEAR PERIOD. IN THE
8 EVENT THAT ANY MEMBER DIES OR RESIGNS DURING THE MEMBER'S TERM
9 OF OFFICE, THE MEMBER'S SUCCESSOR SHALL BE APPOINTED IN THE SAME
10 WAY AND WITH THE SAME QUALIFICATIONS AS SET FORTH IN SUBSECTION
11 (A) AND SHALL HOLD OFFICE FOR THE UNEXPIRED TERM. ALL MEMBERS,
12 EXCLUDING THE SECRETARY OR THE SECRETARY'S DESIGNEE, SHALL BE
13 APPOINTED BY THE GOVERNOR BY AND WITH THE ADVICE AND CONSENT OF
14 THE MAJORITY OF MEMBERS ELECTED TO THE SENATE.

15 (C) INITIAL APPOINTMENTS.--WITHIN 90 DAYS OF THE EFFECTIVE
16 DATE OF THIS CHAPTER, THE GOVERNOR SHALL NOMINATE:

17 (1) TWO REPRESENTATIVES OF SOCIETIES FOR THE PREVENTION
18 OF CRUELTY TO ANIMALS, ONE OF WHOM SHALL SERVE A TWO-YEAR
19 TERM AND ONE OF WHOM SHALL SERVE A FOUR-YEAR TERM.

20 (2) A HUMANE SOCIETY POLICE OFFICER, WHO SHALL SERVE A
21 TWO-YEAR TERM.

22 (3) TWO REPRESENTATIVES OF FARM ORGANIZATIONS, ONE OF
23 WHOM SHALL SERVE A ONE-YEAR TERM AND ONE OF WHOM SHALL SERVE
24 A THREE-YEAR TERM.

25 THE HUMANE SOCIETY POLICE OFFICER INITIALLY APPOINTED PURSUANT
26 TO THIS SUBSECTION NEED NOT BE APPOINTED BY THE PROVISIONS OF
27 THIS CHAPTER BUT, AT THE TIME OF APPOINTMENT TO THE BOARD, MUST
28 HAVE BEEN EMPLOYED AS A HUMANE SOCIETY POLICE OFFICER FOR A
29 MINIMUM OF TWO YEARS PRIOR TO THE EFFECTIVE DATE OF THIS
30 SECTION.

1 (D) ABSENCES.--ANY MEMBERS WHO FAILS TO ATTEND THREE
2 CONSECUTIVE BOARD MEETINGS SHALL FORFEIT THE MEMBER'S SEAT
3 UNLESS THE SECRETARY, UPON WRITTEN REQUEST FROM THE MEMBER,
4 FINDS THAT THE MEMBER SHOULD BE EXCUSED FROM A MEETING DUE TO
5 ILLNESS OR DEATH OF A FAMILY MEMBER.

6 (E) COMPENSATION.--EACH MEMBER OF THE BOARD, EXCEPT THE
7 SECRETARY OR THE SECRETARY'S DESIGNEE, SHALL RECEIVE PER DIEM
8 COMPENSATION AT THE RATE OF \$60 PER DAY WHEN ACTUALLY ATTENDING
9 TO THE WORK OF THE BOARD. MEMBERS SHALL ALSO RECEIVE REASONABLE
10 TRAVEL, HOTEL AND OTHER NECESSARY EXPENSES INCURRED IN THE
11 PERFORMANCE OF THEIR DUTIES IN ACCORDANCE WITH COMMONWEALTH
12 REGULATION.

13 (F) FORFEITURE FOR NONATTENDANCE.--A PUBLIC MEMBER WHO FAILS
14 TO ATTEND TWO CONSECUTIVE STATUTORILY MANDATED TRAINING SEMINARS
15 IN ACCORDANCE WITH SECTION 813(E) OF THE ACT OF APRIL 9, 1929
16 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929,
17 SHALL FORFEIT THE MEMBER'S SEAT UNLESS THE SECRETARY, UPON
18 WRITTEN REQUEST FROM THE PUBLIC MEMBER, FINDS THAT THE PUBLIC
19 MEMBER SHOULD BE EXCUSED FROM A MEETING BECAUSE OF ILLNESS OR
20 THE DEATH OF A FAMILY MEMBER.

21 (G) QUORUM.--A MAJORITY OF THE MEMBERS OF THE BOARD SERVING
22 IN ACCORDANCE WITH LAW SHALL CONSTITUTE A QUORUM FOR THE
23 PURPOSES OF CONDUCTING THE BUSINESS OF THE BOARD. A MEMBER MAY
24 NOT BE COUNTED AS PART OF A QUORUM OR VOTE ON ANY ISSUE UNLESS
25 THAT MEMBER IS PHYSICALLY IN ATTENDANCE AT THE MEETING.

26 (H) MEETINGS.--THE BOARD SHALL MEET AT LEAST TWICE A YEAR IN
27 HARRISBURG, PENNSYLVANIA.

28 (I) NOTICE.--REASONABLE NOTICE OF ALL MEETINGS SHALL BE
29 GIVEN IN CONFORMITY WITH 65 PA.C.S. CH. 7 (RELATING TO OPEN
30 MEETINGS).

(J) OPERATING PROCEDURES.--THE BOARD SHALL MEET WITHIN 30 DAYS AFTER THE APPOINTMENT OF ITS MEMBERS AND ESTABLISH OPERATING PROCEDURES AND DEVELOP APPLICATION FORMS FOR THE APPOINTMENT OF HUMANE SOCIETY POLICE OFFICERS. IT SHALL BE THE RESPONSIBILITY OF THE BOARD TO CIRCULATE THESE FORMS AND EDUCATE THE PUBLIC TO THE REQUIREMENTS OF APPOINTMENT IN ORDER TO HOLD ONESELF OUT AS A HUMANE SOCIETY POLICE OFFICER WITHIN THIS COMMONWEALTH.

§ 3705. POWERS OF THE BOARD.

THE BOARD SHALL HAVE THE FOLLOWING POWERS:

(1) TO APPROVE THE QUALIFICATIONS OF APPLICANTS FOR APPOINTMENTS TO BECOME HUMANE SOCIETY POLICE OFFICERS.

(2) TO ADOPT AND FROM TIME TO TIME REVISE SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO CARRY OUT THIS CHAPTER. REGULATIONS MAY INCLUDE, BUT ARE NOT LIMITED TO, STANDARDS OF PROFESSIONAL PRACTICE AND CONDUCT FOR HUMANE SOCIETY POLICE OFFICERS.

(3) TO EXAMINE FOR, DENY, APPROVE, ISSUE, REVOKE, SUSPEND OR RENEW APPOINTMENTS OF HUMANE SOCIETY POLICE OFFICERS PURSUANT TO THIS CHAPTER AND TO CONDUCT HEARINGS IN CONNECTION WITH THIS CHAPTER.

(4) TO PROMULGATE REGULATIONS THAT GOVERN THE BOARDING OF ANIMALS SEIZED BY A HUMANE SOCIETY POLICE OFFICER PURSUANT TO 18 PA.C.S. § 5511(L) (RELATING TO CRUELTY TO ANIMALS). REGULATIONS SHALL INCLUDE, BUT ARE NOT LIMITED TO, THE APPROPRIATE PROCEDURES FOR THE SEIZURE OF ANIMALS AND THE AMOUNT IN FEES THAT SHALL BE CHARGED FOR THE CARE OF SEIZED ANIMALS IN THE CUSTODY OF A HUMANE SOCIETY POLICE OFFICER OR SOCIETY OR ASSOCIATION FOR THE PREVENTION OF CRUELTY TO ANIMALS.

1 (5) TO PROMULGATE REGULATIONS THAT ESTABLISH APPOINTMENT
2 QUALIFICATION REQUIREMENTS IN ADDITION TO THOSE SPECIFIED IN
3 SECTION 3707 (RELATING TO QUALIFICATIONS FOR APPOINTMENT).

4 (6) TO WAIVE EDUCATION REQUIREMENTS AND MAKE AN
5 APPOINTMENT IN CASES DEEMED EXCEPTIONAL BY THE BOARD AND IN
6 ACCORDANCE WITH REGULATIONS PROMULGATED BY THE BOARD.

7 (7) TO CONDUCT HEARINGS UPON COMPLAINTS CONCERNING
8 VIOLATIONS OF THIS CHAPTER AND THE RULES AND REGULATIONS
9 ADOPTED PURSUANT TO THIS CHAPTER AND SEEK THE PROSECUTION AND
10 ENJOINDER OF ALL SUCH VIOLATIONS.

11 (8) TO HAVE SUMMONS AND SUBPOENAS ISSUED, IF NECESSARY,
12 FOR ANY WITNESSES OR SUBPOENAS DUCES TECUM IN CONNECTION WITH
13 ANY MATTER WITHIN JURISDICTION OF THE BOARD.

14 § 3706. DUTIES OF THE BOARD.

15 (A) RECORDS OF PROCEEDINGS.--THE BOARD SHALL KEEP A RECORD
16 OF ITS PROCEEDINGS AND RECORDS RELATING TO APPLICATIONS,
17 ISSUANCE, DENIAL, SUSPENSION AND REVOCATION OF APPOINTMENT FOR
18 HUMANE SOCIETY POLICE OFFICERS. ALL APPOINTMENTS ISSUED BY THE
19 BOARD SHALL BE NUMBERED AND RECORDED, AND A FILE KEPT FOR THAT
20 PURPOSE, AND SUCH FILE OR RECORD SHALL BE OPEN TO THE PUBLIC.
21 RECORDS RELATING TO AN INDIVIDUAL'S APPOINTMENT AS A HUMANE
22 SOCIETY POLICE OFFICER SHALL INCLUDE THE NAME, AGE, ADDRESS,
23 EMPLOYING SOCIETY OR ASSOCIATION FOR THE PREVENTION OF CRUELTY
24 TO ANIMALS, RECORD OF COMPLIANCE WITH ALL TRAINING AND
25 CONTINUING EDUCATION REQUIREMENTS PURSUANT TO THIS CHAPTER AND
26 OTHER SUCH INFORMATION AS THE BOARD DEEMS APPROPRIATE. THE
27 RECORDS OF THE BOARD SHALL BE PRIMA FACIE EVIDENCE IN THE
28 PROCEEDINGS AND A CERTIFIED TRANSCRIPT BY THE SECRETARY SHALL BE
29 ADMISSIBLE IN EVIDENCE WITH THE SAME FORCE AND EFFECT AS IF THE
30 ORIGINAL WERE PRODUCED.

1 (B) ANNUAL REPORT.--THE BOARD SHALL SUBMIT ANNUALLY A REPORT
2 TO THE AGRICULTURE AND RURAL AFFAIRS COMMITTEE OF THE SENATE AND
3 THE AGRICULTURE AND RURAL AFFAIRS COMMITTEE OF THE HOUSE OF
4 REPRESENTATIVES CONTAINING A DESCRIPTION OF THE TYPES OF
5 COMPLAINTS RECEIVED, STATUS OF THE CASES, BOARD ACTION WHICH HAS
6 BEEN TAKEN AND LENGTH OF TIME FROM THE INITIAL COMPLAINT TO
7 FINAL BOARD RESOLUTION.

8 (C) BUDGET REQUEST.--THE BOARD SHALL SUBMIT ANNUALLY TO THE
9 APPROPRIATIONS COMMITTEE OF THE SENATE AND THE APPROPRIATIONS
10 COMMITTEE OF THE HOUSE OF REPRESENTATIVES, 15 DAYS AFTER THE
11 GOVERNOR HAS SUBMITTED HIS BUDGET TO THE GENERAL ASSEMBLY, A
12 COPY OF THE BUDGET REQUEST FOR THE UPCOMING FISCAL YEAR WHICH
13 THE BOARD PREVIOUSLY SUBMITTED TO THE DEPARTMENT.

14 § 3707. QUALIFICATIONS FOR APPOINTMENT.

15 (A) GENERAL RULE.--A SOCIETY OR ASSOCIATION FOR THE
16 PREVENTION OF CRUELTY TO ANIMALS MAY APPLY TO THE BOARD FOR THE
17 APPOINTMENT OF AN INDIVIDUAL AS A HUMANE SOCIETY POLICE OFFICER.
18 AN APPLICANT SHALL BE QUALIFIED FOR AN APPOINTMENT TO HOLD
19 ONESELF OUT AS A HUMANE SOCIETY POLICE OFFICER, PROVIDED THE
20 APPLICANT SUBMITS PROOF SATISFACTORY TO THE BOARD AND THE BOARD
21 FINDS THAT THE APPLICANT:

22 (1) IS OF GOOD MORAL CHARACTER.

23 (2) IS A RESIDENT OF THIS COMMONWEALTH.

24 (3) IS IN THE EMPLOY, EITHER PART TIME OR FULL TIME, OF
25 A SOCIETY OR ASSOCIATION FOR THE PREVENTION OF CRUELTY TO
26 ANIMALS.

27 (4) HAS SUCCESSFULLY COMPLETED THE EDUCATION
28 REQUIREMENTS PURSUANT TO SECTION 3715 (RELATING TO TRAINING
29 PROGRAM).

30 (5) HAS OBTAINED A CRIMINAL HISTORY REPORT 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
PERTINENT INFORMATION RELATING TO THE INDIVIDUAL 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).

(6) HAS NOT BEEN CONVICTED OF A FELONY UNDER THE ACT OF
APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE CONTROLLED
SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, OR OF AN OFFENSE
UNDER THE LAWS OF ANOTHER JURISDICTION, WHICH, IF COMMITTED
IN THIS COMMONWEALTH, WOULD BE A FELONY UNDER THE CONTROLLED
SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, UNLESS:

(I) AT LEAST TEN YEARS HAVE ELAPSED FROM THE DATE OF
CONVICTION;

(II) THE APPLICANT SATISFACTORILY DEMONSTRATES TO
THE BOARD THAT THE APPLICANT HAS MADE SIGNIFICANT
PROGRESS IN PERSONAL REHABILITATION SINCE THE CONVICTION,
SUCH THAT APPOINTMENT OF THE APPLICANT SHOULD NOT BE
EXPECTED TO CREATE A SUBSTANTIAL RISK OF HARM TO THE
HEALTH AND SAFETY OF THE PUBLIC OR A SUBSTANTIAL RISK OF
FURTHER CRIMINAL VIOLATIONS; AND

(III) THE APPLICANT OTHERWISE SATISFIES THE
QUALIFICATIONS CONTAINED IN OR AUTHORIZED BY THIS
CHAPTER.

AS USED IN THIS PARAGRAPH, THE TERM "CONVICTED" SHALL INCLUDE
A JUDGMENT, AN ADMISSION OF GUILT OR A PLEA OF NOLO
CONTENDERE.

(7) HAS NOT BEEN CONVICTED OF VIOLATING 18 PA.C.S. §
5301 (RELATING TO OFFICIAL OPPRESSION).

(8) HAS COMPLIED WITH ANY ADDITIONAL QUALIFICATION
REQUIREMENTS PROMULGATED BY REGULATION.

§ 3708. TEMPORARY APPOINTMENT.

(A) TEMPORARY APPOINTMENT.--A SOCIETY OR ASSOCIATION FOR THE
PREVENTION OF CRUELTY TO ANIMALS MAY PETITION THE BOARD FOR THE
TEMPORARY APPOINTMENT OF AN INDIVIDUAL AS A HUMANE SOCIETY
POLICE OFFICER, PROVIDED THAT:

(1) THE INDIVIDUAL:

(I) IS OF GOOD MORAL CHARACTER.

(II) IS A RESIDENT OF THIS COMMONWEALTH.

(III) IS IN THE EMPLOY, EITHER PART TIME OR FULL
TIME, OF A SOCIETY OR ASSOCIATION FOR THE PREVENTION OF
CRUELTY TO ANIMALS.

(IV) HAS NOT BEEN PREVIOUSLY APPOINTED UNDER THIS
SECTION.

(V) SUBMITS TO THE BOARD THE CRIMINAL HISTORY
INFORMATION PRESCRIBED IN SECTION 3707(5) (RELATING TO
QUALIFICATIONS FOR APPOINTMENT).

(VI) HAS NOT BEEN CONVICTED OF A FELONY AS
PRESCRIBED IN SECTION 3707(6).

(VII) HAS NOT BEEN CONVICTED OF VIOLATING 18 PA.C.S.
§ 5301 (RELATING TO OFFICIAL OPPRESSION).

(2) NO OTHER INDIVIDUAL THAT IS EMPLOYED, EITHER PART
TIME OR FULL TIME, BY THE SOCIETY OR ASSOCIATION FOR THE
PREVENTION OF CRUELTY TO ANIMALS IS CURRENTLY APPOINTED TO
ACT AS A HUMANE SOCIETY POLICE OFFICER.

(B) EXPIRATION.--A TEMPORARY APPOINTMENT UNDER THIS SECTION
SHALL EXPIRE AT THE END OF SIX MONTHS OR SUCH TIME AS THE

1 INDIVIDUAL OR ANY OTHER EMPLOYEE OF THE SOCIETY OR ASSOCIATION
2 FOR THE PREVENTION OF CRUELTY TO ANIMALS HAS BEEN PERMANENTLY
3 APPOINTED BY THE BOARD TO ACT AS A HUMANE SOCIETY POLICE
4 OFFICER, WHICHEVER IS EARLIER. NO MORE THAN ONE TEMPORARY
5 APPOINTMENT SHALL BE EFFECTIVE FOR ANY SOCIETY OR ASSOCIATION
6 FOR THE PREVENTION OF CRUELTY TO ANIMALS AT ANY TIME.

7 § 3709. REFUSAL, SUSPENSION AND REVOCATION OF APPOINTMENT.

8 (A) GROUNDS.--THE BOARD MAY REFUSE, SUSPEND, REVOKE, LIMIT
9 OR RESTRICT AN APPOINTMENT OR REPRIMAND AN APPOINTEE FOR ANY OF
10 THE FOLLOWING REASONS:

11 (1) BEING CONVICTED OF A FELONY OR A CRIME OF MORAL
12 TURPITUDE IN ANY FEDERAL OR STATE COURT OR BEING CONVICTED OF
13 THE EQUIVALENT OF A FELONY IN ANY FOREIGN COUNTRY, TERRITORY
14 OR POSSESSION. AS USED IN THIS PARAGRAPH, THE TERM
15 "CONVICTED" INCLUDES A FINDING OR VERDICT OF GUILT, AN
16 ADMISSION OF GUILT OR A PLEA OF NOLO CONTENDERE OR RECEIVING
17 PROBATION WITHOUT VERDICT, DISPOSITION IN LIEU OF TRIAL OR AN
18 ACCELERATED REHABILITATIVE DISPOSITION IN THE DISPOSITION OF
19 FELONY CHARGES.

20 (2) BEING FOUND BY THE BOARD TO HAVE COMMITTED AN ACT OR
21 ACTS OF IMMORAL OR UNPROFESSIONAL CONDUCT.

22 (3) VIOLATING STANDARDS OF PROFESSIONAL PRACTICE OR
23 CONDUCT ADOPTED BY THE BOARD.

24 (4) PRESENTING FALSE CREDENTIALS OR DOCUMENTS OR MAKING
25 A FALSE OR MISLEADING STATEMENT OF FACT IN SUPPORT OF THE
26 APPOINTEE'S APPLICATION FOR APPOINTMENT.

27 (5) SUBMITTING A FALSE OR MISLEADING BIENNIAL RENEWAL TO
28 THE BOARD.

29 (6) VIOLATING A REGULATION PROMULGATED BY THE BOARD,
30 INCLUDING, BUT NOT LIMITED TO, STANDARDS OF PROFESSIONAL

1 PRACTICE AND CONDUCT OR VIOLATING AN ORDER OF THE BOARD
2 PREVIOUSLY ENTERED IN A DISCIPLINARY PROCEEDING.

3 (7) BEING UNABLE TO ACT WITH REASONABLE SKILL AND SAFETY
4 BY REASON OF ILLNESS, DRUNKENNESS, EXCESSIVE USE OF DRUGS,
5 NARCOTICS, CHEMICALS OR ANY OTHER TYPE OF MATERIAL OR AS A
6 RESULT OF ANY MENTAL OR PHYSICAL CONDITION. IN ENFORCING THIS
7 PARAGRAPH, THE BOARD SHALL, UPON PROBABLE CAUSE, HAVE
8 AUTHORITY TO COMPEL AN APPOINTEE TO SUBMIT TO A MENTAL OR
9 PHYSICAL EXAMINATION BY A PHYSICIAN APPROVED BY THE BOARD.
10 FAILURE OF AN APPOINTEE TO SUBMIT TO AN EXAMINATION WHEN
11 DIRECTED BY THE BOARD, UNLESS THE FAILURE IS DUE TO
12 CIRCUMSTANCES BEYOND THE APPOINTEE'S CONTROL, SHALL
13 CONSTITUTE AN ADMISSION OF THE ALLEGATIONS AGAINST THE
14 APPOINTEE, CONSEQUENT UPON WHICH A DEFAULT AND FINAL ORDER
15 MAY BE ENTERED WITHOUT THE TAKING OF TESTIMONY OR
16 PRESENTATION OF EVIDENCE.

17 (8) FAILING TO MEET ANY REQUIREMENT FOR QUALIFICATION
18 ESTABLISHED PURSUANT TO SECTION 3707 (RELATING TO
19 QUALIFICATIONS FOR APPOINTMENT).

20 (B) BOARD ACTION.--WHEN THE BOARD FINDS THAT THE APPOINTMENT
21 OR APPLICATION FOR APPOINTMENT OF ANY INDIVIDUAL MAY BE REFUSED,
22 REVOKED, RESTRICTED OR SUSPENDED UNDER THE TERMS OF SUBSECTION
23 (A), THE BOARD MAY:

24 (1) DENY THE APPLICATION FOR AN APPOINTMENT.

25 (2) ADMINISTER A PUBLIC REPRIMAND.

26 (3) REVOKE, SUSPEND, LIMIT OR OTHERWISE RESTRICT AN
27 APPOINTMENT AS DETERMINED BY THE BOARD.

28 (4) SUSPEND ENFORCEMENT OF ITS FINDINGS THEREOF AND
29 PLACE AN APPOINTEE ON PROBATION WITH THE RIGHT TO VACATE THE
30 PROBATIONARY ORDER FOR NONCOMPLIANCE.

(C) RESTORATION OF SUSPENDED APPOINTMENT.--THE BOARD MAY RESTORE A SUSPENDED APPOINTMENT OF AN INDIVIDUAL IF THE INDIVIDUAL PROVIDES TO THE BOARD EVIDENCE SUFFICIENT TO WARRANT RESTORATION AND THE BOARD DETERMINES THE GROUNDS FOR SUSPENSION HAVE BEEN SATISFACTORILY CORRECTED AND THE INDIVIDUAL OTHERWISE QUALIFIES FOR APPOINTMENT. IN RESTORING THE APPOINTMENT, THE BOARD MAY CONTINUE TO IMPOSE LIMITATIONS AND CORRECTIVE MEASURES THE BOARD DETERMINES TO BE NECESSARY TO ENSURE AN INDIVIDUAL'S COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER.

(D) HEARING.--ALL ACTIONS OF THE BOARD SHALL BE TAKEN SUBJECT TO THE RIGHT OF NOTICE, HEARING AND ADJUDICATION AND THE RIGHT OF APPEAL THEREFROM IN ACCORDANCE WITH 2 PA.C.S. (RELATING TO ADMINISTRATIVE LAW AND PROCEDURE).

(E) TEMPORARY SUSPENSION.--THE BOARD SHALL TEMPORARILY SUSPEND AN APPOINTMENT UNDER CIRCUMSTANCES AS DETERMINED BY THE BOARD TO BE AN IMMEDIATE AND CLEAR DANGER TO THE PUBLIC HEALTH AND SAFETY. THE BOARD SHALL ISSUE AN ORDER TO THAT EFFECT WITHOUT A HEARING, BUT UPON DUE NOTICE TO THE APPOINTEE CONCERNED AT THE LAST KNOWN ADDRESS OF THE APPOINTEE, WHICH SHALL INCLUDE A WRITTEN STATEMENT OF ALL ALLEGATIONS AGAINST THE APPOINTEE. SUBSECTION (D) SHALL NOT APPLY TO TEMPORARY SUSPENSION. THE BOARD SHALL THEREUPON COMMENCE FORMAL ACTION TO SUSPEND, REVOKE OR RESTRICT THE APPOINTMENT OF THE INDIVIDUAL CONCERNED AS OTHERWISE PROVIDED FOR IN THIS CHAPTER. ALL ACTIONS SHALL BE TAKEN PROMPTLY AND WITHOUT DELAY. WITHIN 30 DAYS FOLLOWING THE ISSUANCE OF AN ORDER TEMPORARILY SUSPENDING AN APPOINTMENT, THE BOARD SHALL CONDUCT, OR CAUSE TO BE CONDUCTED, A PRELIMINARY HEARING TO DETERMINE THAT THERE IS A PRIMA FACIE CASE SUPPORTING THE SUSPENSION. THE APPOINTEE WHOSE APPOINTMENT HAS BEEN TEMPORARILY SUSPENDED MAY BE PRESENT AT THE PRELIMINARY

1 HEARING AND MAY BE REPRESENTED BY COUNSEL, CROSS-EXAMINE
2 WITNESSES, INSPECT PHYSICAL EVIDENCE, CALL WITNESSES, OFFER
3 EVIDENCE AND TESTIMONY AND MAKE A RECORD OF THE PROCEEDINGS. IF
4 IT IS DETERMINED THAT THERE IS NOT A PRIMA FACIE CASE, THE
5 SUSPENDED APPOINTMENT SHALL BE IMMEDIATELY RESTORED. THE
6 TEMPORARY SUSPENSION SHALL REMAIN IN EFFECT UNTIL VACATED BY THE
7 BOARD, BUT IN NO EVENT LONGER THAN 180 DAYS.

8 (F) AUTOMATIC SUSPENSION.--

9 (1) AN APPOINTMENT ISSUED UNDER THIS CHAPTER SHALL
10 AUTOMATICALLY BE SUSPENDED UPON THE LEGAL COMMITMENT OF AN
11 APPOINTEE TO AN INSTITUTION BECAUSE OF MENTAL INCOMPETENCE
12 FROM ANY CAUSE UPON FILING WITH THE BOARD OF A CERTIFIED COPY
13 OF SUCH COMMITMENT, CONVICTION OF A FELONY UNDER THE ACT OF
14 APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE CONTROLLED
15 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, OR CONVICTION OF AN
16 OFFENSE UNDER THE LAWS OF ANOTHER JURISDICTION, WHICH, IF
17 COMMITTED IN THIS COMMONWEALTH, WOULD BE A FELONY UNDER THE
18 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT.

19 (2) AUTOMATIC SUSPENSION UNDER THIS SECTION SHALL NOT BE
20 STAYED PENDING AN APPEAL OF LEGAL COMMITMENT OR CONVICTION.
21 RESTORATION OF SUCH APPOINTMENT SHALL BE MADE AS PROVIDED IN
22 SUBSECTION (C).

23 (3) THE BOARD MAY ACT TO REVOKE THE APPOINTMENT OF ANY
24 INDIVIDUAL WHOSE ACTIONS HAVE CAUSED THE INDIVIDUAL'S
25 APPOINTMENT TO BE AUTOMATICALLY SUSPENDED UNDER THIS
26 SUBSECTION.

27 (4) AS USED IN THIS PARAGRAPH, THE TERM "CONVICTION"
28 SHALL INCLUDE A JUDGMENT, AN ADMISSION OF GUILT OR A PLEA OF
29 NOLO CONTENDERE.

30 § 3710. REINSTATEMENT OF APPOINTMENT.

1 THE BOARD SHALL NOT REINSTATE THE APPOINTMENT WHICH HAS BEEN
2 REVOKED OF AN INDIVIDUAL TO ACT AS A HUMANE SOCIETY POLICE
3 OFFICER PURSUANT TO THIS CHAPTER. ANY INDIVIDUAL WHOSE
4 APPOINTMENT HAS BEEN REVOKED MAY APPLY FOR REINSTATEMENT AFTER A
5 PERIOD OF AT LEAST FIVE YEARS. THE APPOINTMENT OF AN INDIVIDUAL
6 WHOSE APPOINTMENT IS REVOKED MAY ONLY BE REINSTATED IF THE
7 INDIVIDUAL PROVIDES TO THE BOARD EVIDENCE SUFFICIENT TO WARRANT
8 REINSTATEMENT AND THE BOARD DETERMINES THE INDIVIDUAL MEETS ALL
9 OF THE QUALIFICATIONS REQUIRED TO BE MET UNDER THIS CHAPTER FOR
10 APPOINTMENT AS A HUMANE SOCIETY POLICE OFFICER.

11 § 3711. SURRENDER OF SUSPENDED OR REVOKED APPOINTMENT.

12 THE BOARD SHALL REQUIRE AN INDIVIDUAL WHOSE APPOINTMENT HAS
13 BEEN SUSPENDED OR REVOKED TO RETURN THE APPOINTMENT IN SUCH
14 MANNER AS THE BOARD DIRECTS.

15 § 3712. JURISDICTION OF HUMANE SOCIETY POLICE OFFICERS.

16 (A) GENERAL RULE.--AN INDIVIDUAL APPOINTED AS A HUMANE
17 SOCIETY POLICE OFFICER IN ACCORDANCE WITH THIS CHAPTER SHALL
18 HAVE THE POWER AND AUTHORITY TO ENFORCE THE PROVISIONS OF 18
19 PA.C.S. § 5511 (RELATING TO CRUELTY TO ANIMALS) OR OTHERWISE
20 PERFORM THE FUNCTIONS OF THE OFFICE OF HUMANE SOCIETY POLICE
21 OFFICER ANYWHERE WITHIN THIS COMMONWEALTH.

22 (B) FILING REQUIREMENT.--PRIOR TO EXERCISING THE POWER AND
23 AUTHORITY SET FORTH BY THIS CHAPTER WITHIN A COUNTY, EACH
24 APPOINTED HUMANE SOCIETY POLICE OFFICER SHALL FILE NOTICE ALONG
25 WITH A COPY OF THE APPOINTMENT GRANTED UNDER THIS CHAPTER WITH
26 THE DISTRICT ATTORNEY IN EACH COUNTY IN WHICH THE OFFICER IS
27 DIRECTED TO ACT BY THE EMPLOYING SOCIETY OR ASSOCIATION FOR THE
28 PREVENTION OF CRUELTY TO ANIMALS.

29 § 3713. PENALTIES.

30 (A) CRIMINAL PENALTIES.--A PERSON WHO VIOLATES THIS CHAPTER

1 COMMITS A MISDEMEANOR OF THE THIRD DEGREE AND SHALL, UPON
2 CONVICTION, BE SENTENCED TO PAY A FINE OF UP TO \$1,000 OR TO
3 IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH.

4 (B) CIVIL PENALTY.--IN ADDITION TO ANY OTHER CIVIL REMEDY OR
5 CRIMINAL PENALTY PROVIDED FOR IN THIS CHAPTER, THE BOARD, BY A
6 VOTE OF THE MAJORITY OF THE MAXIMUM NUMBER OF THE AUTHORIZED
7 MEMBERSHIP OF THE BOARD AS PROVIDED BY LAW, OR BY A VOTE OF THE
8 MAJORITY OF THE QUALIFIED AND CONFIRMED MEMBERSHIP OR A MINIMUM
9 OF THREE MEMBERS, WHICHEVER IS GREATER, MAY LEVY A CIVIL PENALTY
10 OF UP TO \$1,000 ON ANY CURRENT APPOINTEE OR ASSOCIATION OR
11 SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS WHO VIOLATES
12 ANY PROVISION OF THIS CHAPTER OR ON ANY PERSON WHO HOLDS HIMSELF
13 OR HERSELF OUT AS A HUMANE SOCIETY POLICE OFFICER WITHOUT BEING
14 SO APPOINTED PURSUANT TO THIS CHAPTER. THE BOARD SHALL LEVY THIS
15 PENALTY ONLY AFTER AFFORDING THE ACCUSED PARTY THE OPPORTUNITY
16 FOR A HEARING, AS PROVIDED IN 2 PA.C.S. (RELATING TO
17 ADMINISTRATIVE LAW AND PROCEDURE).

18 (C) DISPOSITION.--ALL FINES AND CIVIL PENALTIES IMPOSED IN
19 ACCORDANCE WITH THIS SECTION SHALL BE PAID INTO THE HUMANE
20 SOCIETY POLICE OFFICER TRAINING AND EDUCATION ACCOUNT.

21 § 3714. APPOINTMENT RENEWAL; FEES.

22 (A) RENEWAL TERM.--RENEWAL OF APPOINTMENT SHALL BE ON A
23 BIENNIAL BASIS. A SOCIETY OR ASSOCIATION FOR THE PREVENTION OF
24 CRUELTY TO ANIMALS MAY APPLY TO THE BOARD FOR THE RENEWAL OF AN
25 APPOINTMENT OF AN INDIVIDUAL AS A HUMANE SOCIETY POLICE OFFICER.
26 THE BOARD SHALL BY REGULATION REQUIRE EVIDENCE OF CONTINUING
27 EDUCATION PURSUANT TO SECTION 3716 (RELATING TO CONTINUING
28 EDUCATION) AS A CONDITION OF APPOINTMENT RENEWAL.

29 (B) FEES.--

30 (1) EXCEPT FOR THE FEES SET FORTH IN PARAGRAPH (3), ALL

1 FEES REQUIRED PURSUANT TO THIS CHAPTER SHALL BE FIXED BY THE
2 BOARD BY REGULATION AND SHALL BE SUBJECT TO THE ACT OF JUNE
3 25, 1982 (P.L.633, NO.181), KNOWN AS THE REGULATORY REVIEW
4 ACT. IF THE REVENUES RAISED BY FEES, FINES AND CIVIL
5 PENALTIES IMPOSED PURSUANT TO THIS CHAPTER ARE NOT SUFFICIENT
6 TO MEET EXPENDITURES OVER A TWO-YEAR PERIOD, THE BOARD SHALL
7 INCREASE THOSE FEES BY REGULATION SO THAT THE PROJECTED
8 REVENUES WILL MEET OR EXCEED PROJECTED EXPENDITURES.

9 (2) IF THE DEPARTMENT DETERMINES THAT THE FEES
10 ESTABLISHED BY THE BOARD PURSUANT TO PARAGRAPH (1) ARE
11 INADEQUATE TO MEET THE MINIMUM ENFORCEMENT EFFORTS REQUIRED
12 BY THIS CHAPTER, THEN THE DEPARTMENT, AFTER CONSULTATION WITH
13 THE BOARD AND SUBJECT TO THE REGULATORY REVIEW ACT, SHALL
14 INCREASE THE FEES BY REGULATION IN AN AMOUNT SO THAT ADEQUATE
15 REVENUES ARE RAISED TO MEET THE REQUIRED ENFORCEMENT EFFORT.

16 (3) THE BOARD SHALL CHARGE THE FOLLOWING:

17 (I) APPLICATION FOR APPOINTMENT - \$50.

18 (II) INITIAL APPOINTMENT - \$100.

19 (III) BIENNIAL RENEWAL - \$50.

20 § 3715. TRAINING PROGRAM.

21 (A) CONTRACTS.--THE BOARD SHALL CONTRACT WITH AN ACCREDITED
22 COLLEGE OR UNIVERSITY, INCLUDING A COMMUNITY COLLEGE, OR OTHER
23 PUBLIC OR PRIVATE ENTITY FOR THE ESTABLISHMENT OF A PROGRAM FOR
24 THE TRAINING OF INDIVIDUALS TO ACT AS HUMANE SOCIETY POLICE
25 OFFICERS.

26 (B) MINIMUM REQUIREMENTS.--THE PROGRAM FOR THE TRAINING OF
27 HUMANE SOCIETY POLICE OFFICERS MUST INCLUDE, AT A MINIMUM, A
28 TOTAL OF 56 HOURS OF INSTRUCTION, IN ACCORDANCE WITH SUBSECTION

29 (C).

30 (C) CURRICULUM.--THE PROGRAM FOR THE TRAINING OF HUMANE

SOCIETY POLICE OFFICERS MUST PROVIDE INSTRUCTION IN THE
FOLLOWING INSTRUCTIONAL AREAS:

(1) AT LEAST 32 HOURS OF INSTRUCTION SHALL BE PROVIDED
ON THE FOLLOWING:

(I) CRUELTY TO ANIMALS LAWS.

(II) CARE AND TREATMENT OF ANIMALS.

(III) PENNSYLVANIA RULES OF CRIMINAL PROCEDURE.

(IV) ANY OTHER AREAS OF INSTRUCTION AS DETERMINED BY
THE BOARD.

(2) AT LEAST 24 HOURS OF INSTRUCTION SHALL BE PROVIDED
ON THE FOLLOWING:

(I) ANIMAL HUSBANDRY PRACTICES CONSTITUTING NORMAL
AGRICULTURAL OPERATION.

(II) PRACTICES ACCEPTED IN THE AGRICULTURAL INDUSTRY
IN THE RAISING, KEEPING AND PRODUCTION OF AGRICULTURAL
ANIMALS.

(III) CHARACTERISTICS OF AGRICULTURAL ANIMALS LIKELY
EVIDENCING CARE THAT IS IN VIOLATION OF THE CRUELTY TO
ANIMALS LAWS.

(IV) PROPER CARE AND HANDLING OF AGRICULTURAL
ANIMALS PURSUANT TO ENFORCEMENT OF THE CRUELTY TO ANIMALS
LAWS.

(V) TREATMENTS ADMINISTERED AND RESEARCH CONDUCTED
DURING THE NORMAL SCOPE OF VETERINARIAN PRACTICES.

(VI) ANY OTHER AREAS OF INSTRUCTION AS DETERMINED BY
THE BOARD.

(D) FINAL EXAMINATION.--THE TRAINING PROGRAM SHALL REQUIRE
INDIVIDUALS, AS A PREREQUISITE TO SUCCESSFUL COMPLETION OF THE
PROGRAM, TO TAKE AND PASS A FINAL EXAMINATION THAT SUFFICIENTLY
MEASURES THE INDIVIDUAL'S KNOWLEDGE AND UNDERSTANDING OF THE

1 INSTRUCTIONAL MATERIAL.

2 (E) OPTIONAL TRAINING PROGRAMS.--A HUMANE SOCIETY POLICE
3 OFFICER MAY SATISFY THE TRAINING REQUIREMENTS OF SUBSECTION (A)
4 AND THE CONTINUING EDUCATION REQUIREMENTS OF SECTION 3716(B)
5 (RELATING TO CONTINUING EDUCATION) BY SUCCESSFULLY COMPLETING A
6 TRAINING PROGRAM DEVELOPED AND ADMINISTERED BY AN ACCREDITED
7 COLLEGE OR UNIVERSITY OR COMMUNITY COLLEGE OR BY A PUBLIC OR
8 PRIVATE ENTITY IF THE TRAINING PROGRAM HAS BEEN APPROVED BY THE
9 BOARD AS MEETING THE REQUIREMENTS OF SUBSECTIONS (B), (C) AND
10 (D) AND SECTION 3716(B). THE BOARD SHALL BY REGULATION ESTABLISH
11 STANDARDS AND PROCEDURES FOR APPROVING OPTIONAL TRAINING
12 PROGRAMS. PENDING PROMULGATION OF THE REGULATIONS, THE BOARD MAY
13 ADOPT INTERIM GUIDELINES FOR APPROVAL OF OPTIONAL TRAINING
14 PROGRAMS.

15 § 3716. CONTINUING EDUCATION.

16 (A) CONTRACT.--THE BOARD SHALL CONTRACT WITH AN ACCREDITED
17 COLLEGE OR UNIVERSITY, INCLUDING A COMMUNITY COLLEGE, OR OTHER
18 PUBLIC OR PRIVATE ENTITY FOR THE ESTABLISHMENT OF CONTINUING
19 EDUCATION PROGRAMS FOR HUMANE SOCIETY POLICE OFFICERS. THE BOARD
20 SHALL ADOPT, PROMULGATE AND ENFORCE RULES AND REGULATIONS
21 CONSISTENT WITH THE PROVISIONS OF THIS CHAPTER ESTABLISHING
22 REQUIREMENTS OF CONTINUING EDUCATION TO BE MET BY INDIVIDUALS
23 APPOINTED AS HUMANE SOCIETY POLICE OFFICERS UNDER THIS CHAPTER
24 AS A CONDITION FOR RENEWAL OF THEIR APPOINTMENT. AN INDIVIDUAL
25 WHO HAS FAILED TO COMPLETE IN THE PRIOR APPOINTMENT PERIOD THE
26 CONTINUING EDUCATION REQUIREMENTS PRESCRIBED IN SUBSECTION (B)
27 SHALL NOT BE ISSUED A RENEWAL OF APPOINTMENT UNTIL THE EDUCATION
28 REQUIREMENTS ARE COMPLETED. SUCH REGULATIONS SHALL INCLUDE ANY
29 FEES NECESSARY FOR THE BOARD TO CARRY OUT ITS RESPONSIBILITIES
30 UNDER THIS SECTION.

1 (B) MANDATORY CONTINUING EDUCATION.--BEGINNING WITH THE
2 APPOINTMENT PERIOD DESIGNATED BY REGULATION, EACH INDIVIDUAL
3 APPOINTED AS A HUMANE SOCIETY POLICE OFFICER PURSUANT TO THIS
4 CHAPTER SHALL BE REQUIRED TO OBTAIN 10 HOURS OF MANDATORY
5 CONTINUING EDUCATION DURING EACH TWO-YEAR APPOINTMENT PERIOD. AT
6 LEAST THREE OF THE TEN HOURS OF INSTRUCTION MUST BE PROVIDED IN
7 AREAS OF INSTRUCTION PRESCRIBED IN SECTION 3715(C)(2) (RELATING
8 TO TRAINING PROGRAM).

9 (C) BOARD NOTICE.--THE BOARD SHALL INFORM APPOINTEES OF THE
10 CONTINUING EDUCATION REQUIREMENT PRIOR TO THE RENEWAL PERIOD
11 WHEN CONTINUING EDUCATION IS REQUIRED.

12 § 3717. LIMITATION ON POSSESSION OF FIREARMS.

13 NO INDIVIDUAL APPOINTED AS A HUMANE SOCIETY POLICE OFFICER
14 SHALL CARRY, POSSESS OR USE A FIREARM IN THE PERFORMANCE OF THE
15 OFFICER'S DUTIES UNLESS THE INDIVIDUAL HOLDS A CURRENT AND VALID
16 CERTIFICATION IN THE USE AND HANDLING OF FIREARMS PURSUANT TO AT
17 LEAST ONE OF THE FOLLOWING:

18 (1) 53 PA.C.S. CH. 21 SUBCH. D (RELATING TO MUNICIPAL
19 POLICE EDUCATION AND TRAINING).

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

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

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

28 § 3718. SEARCH WARRANTS.

29 NOTWITHSTANDING CONTRARY PROVISIONS OF 18 PA.C.S. § 5511(1)
30 (RELATING TO CRUELTY TO ANIMALS) AND IN ADDITION TO THE

1 REQUIREMENTS OF EXISTING LAW, ALL SEARCH WARRANT APPLICATIONS
2 FILED IN CONNECTION WITH ALLEGED VIOLATIONS OF CRUELTY TO
3 ANIMALS LAWS MUST HAVE THE APPROVAL OF THE DISTRICT ATTORNEY IN
4 THE COUNTY OF THE ALLEGED OFFENSE PRIOR TO FILING.

5 § 3719. SOCIETIES OR ASSOCIATIONS FOR THE PREVENTION OF CRUELTY
6 TO ANIMALS.

7 IT SHALL BE UNLAWFUL FOR ANY SOCIETY OR ASSOCIATION FOR THE
8 PREVENTION OF CRUELTY TO ANIMALS TO EMPLOY AN INDIVIDUAL, EITHER
9 PART TIME OR FULL TIME, AS A HUMANE SOCIETY POLICE OFFICER WHO
10 HAS NOT OBTAINED AN APPOINTMENT IN ACCORDANCE WITH THIS CHAPTER.

11 § 3720. HUMANE SOCIETY POLICE OFFICER TRAINING AND EDUCATION
12 ACCOUNT.

13 (A) ESTABLISHMENT.--THERE IS HEREBY ESTABLISHED THE HUMANE
14 SOCIETY POLICE OFFICER TRAINING AND EDUCATION ACCOUNT, A SPECIAL
15 RESTRICTED RECEIPTS ACCOUNT WITHIN THE GENERAL FUND.

16 (B) SOURCES.--ALL MONEY PAID INTO THE STATE TREASURY UNDER
17 THE PROVISIONS OF THIS CHAPTER, INCLUDING, BUT NOT LIMITED TO,
18 FEES, FINES AND PENALTIES, SHALL BE PAID INTO THE HUMANE SOCIETY
19 POLICE OFFICER TRAINING AND EDUCATION ACCOUNT. ANY INTEREST
20 ACCRUED ON THE ACCOUNT SHALL BE CREDITED TO THE ACCOUNT FOR THE
21 PURPOSE OF MEETING THE REQUIREMENTS OF THIS CHAPTER.

22 (C) PURPOSE.--MONEY AND INTEREST IN THE ACCOUNT SHALL BE
23 APPROPRIATED FOR PAYMENT OF COSTS OF PROCESSING APPOINTMENTS AND
24 RENEWALS, FOR THE OPERATION OF THE BOARD AND FOR OTHER GENERAL
25 COSTS OF OPERATIONS RELATING TO THIS CHAPTER.

26 (D) CONTINUING APPROPRIATION.--THE MONEY IN THE ACCOUNT IS
27 CONTINUOUSLY APPROPRIATED TO THE ACCOUNT. THIS APPROPRIATION
28 SHALL NOT LAPSE AT THE END OF ANY FISCAL YEAR.

29 (E) ADMINISTRATION.--THE DEPARTMENT SHALL ADMINISTER THE
30 ACCOUNT.

1 § 3721. SURCHARGE AND DISPOSITION OF FINES.

2 (A) LEVY AND IMPOSITION.--IN ADDITION TO ANY FINES, FEES OR
3 PENALTIES LEVIED OR IMPOSED AS PROVIDED BY LAW, UNDER THIS
4 CHAPTER OR ANY OTHER STATUTE, A SURCHARGE SHALL BE LEVIED FOR
5 DISPOSITION IN ACCORDANCE WITH SUBSECTION (B) AS FOLLOWS:

6 (1) UPON CONVICTION FOR ANY VIOLATION OF 18 PA.C.S. §
7 5511 (RELATING TO CRUELTY TO ANIMALS), A SURCHARGE OF \$100.

8 (2) UPON CONVICTION FOR ANY VIOLATION OF 18 PA.C.S. §
9 5511.1 (RELATING TO LIVE ANIMALS AS PRIZES PROHIBITED), A
10 SURCHARGE OF \$100.

11 (3) UPON CONVICTION FOR ANY VIOLATION OF 18 PA.C.S. §
12 5511.2 (RELATING TO POLICE ANIMALS), A SURCHARGE OF \$100.

13 (B) DISPOSITION.--NOTWITHSTANDING THE PROVISIONS OF 42
14 PA.C.S. §§ 3571 (RELATING TO COMMONWEALTH PORTION OF FINES,
15 ETC.) AND 3573 (RELATING TO MUNICIPAL CORPORATION PORTION OF
16 FINES, ETC.), ALL SURCHARGES LEVIED AND COLLECTED UNDER
17 SUBSECTION (A) BY A DIVISION OF THE UNIFIED JUDICIAL SYSTEM
18 EXISTING UNDER SECTION 1 OF ARTICLE V OF THE CONSTITUTION OF
19 PENNSYLVANIA AND 42 PA.C.S. § 301 (RELATING TO UNIFIED JUDICIAL
20 SYSTEM) SHALL BE REMITTED TO THE COMMONWEALTH FOR DEPOSIT IN THE
21 HUMANE SOCIETY POLICE OFFICER TRAINING AND EDUCATION ACCOUNT FOR
22 THE PURPOSE OF FUNDING THE TRAINING PROGRAM ESTABLISHED IN
23 SECTION 3715 (RELATING TO TRAINING PROGRAM) AND THE CONTINUING
24 EDUCATION PROGRAM ESTABLISHED IN SECTION 3716 (RELATING TO
25 CONTINUING EDUCATION). THE SURCHARGES LEVIED AND COLLECTED UNDER
26 SUBSECTION (A) SHALL NOT BE DEPOSITED FOR THE CREDIT OR USE OF,
27 OR OTHERWISE ALLOCATED, DIRECTED OR PAID TO, COUNTIES OR
28 MUNICIPALITIES UNDER THE PROVISIONS OF 42 PA.C.S. CH. 35 SUBCH.
29 E (RELATING TO FINES, ETC.) OR ANY OTHER STATUTE, THE CRIME
30 VICTIM'S COMPENSATION FUND ESTABLISHED UNDER SECTION 1101(B)(1)

1 OF THE ACT OF NOVEMBER 24, 1998 (P.L.882, NO.111), KNOWN AS THE
2 CRIME VICTIMS ACT, THE VICTIM WITNESS SERVICES FUND ESTABLISHED
3 UNDER SECTION 1101(B)(2) OF THE CRIME VICTIMS ACT, RAPE CRISIS
4 CENTERS, THE EMERGENCY MEDICAL SERVICES OPERATING FUND, DOMESTIC
5 VIOLENCE SHELTERS, THE JUDICIAL COMPUTER SYSTEM AUGMENTATION
6 ACCOUNT ESTABLISHED UNDER 42 PA.C.S. CH. 37 SUBCH. C (RELATING
7 TO JUDICIAL COMPUTER SYSTEM) OR UNDER ANY OTHER STATUTE.

8 SECTION 3. THE ACT OF DECEMBER 12, 1994 (P.L.956, NO.135),
9 KNOWN AS THE HUMANE SOCIETY POLICE OFFICER ENFORCEMENT ACT, IS
10 REPEALED.

11 SECTION 4. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.