

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

AS AMENDED ON THIRD CONSIDERATION, APRIL 13, 2004

AN ACT

1 Amending Title 22 (Detectives and Private Police) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 appointment by nonprofit corporations; providing for humane
4 society police officers' appointment, qualifications,
5 authority and discipline; conferring powers and duties on the
6 Department of Agriculture; providing for search warrants;
7 establishing the State Board of Humane Society Police
8 Officers and the Humane Society Police Officer Training and
9 Education Account; and making a related repeal.

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

12 Section 1. Section 501(a) and (c) of Title 22 of the
13 Pennsylvania Consolidated Statutes are amended to read:

14 § 501. Appointment by nonprofit corporations.

15 (a) Appointment authorized.--Any nonprofit corporation, as
16 defined in 15 Pa.C.S. Pt. II Subpt. C (relating to nonprofit
17 corporations) maintaining a cemetery or any buildings or grounds
18 open to the public, or organized for the prevention of cruelty
19 to children or aged persons [or animals], or one or more of such
20 purposes, may apply to the court of common pleas of the county
21 of the registered office of the corporation for the appointment

1 of such persons as the corporation may designate to act as
2 policemen for the corporation. The court, upon such application,
3 may by order appoint such persons, or as many of them as it may
4 deem proper and necessary, to be such policemen.

5 * * *

6 (c) Powers.--Such policemen, so appointed, shall severally
7 possess and exercise all the powers of a police officer in this
8 Commonwealth, in and upon, and in the immediate and adjacent
9 vicinity of, the property of the corporation. Policemen so
10 appointed for a corporation organized for the prevention of
11 cruelty to children or aged persons [or animals], or one or more
12 of such purposes, shall severally possess and exercise all the
13 powers of a police officer in any county in which they may be
14 directed by the corporation to act, and are hereby authorized to
15 arrest persons for the commission of any offense of cruelty to
16 children or aged persons [or animals]. The keepers of jails and
17 other places of detention in any county of this Commonwealth
18 shall receive all persons arrested by such policemen for
19 purposes of detention until they are dealt with according to
20 law. Every policeman appointed under this section, when on duty,
21 shall wear a metallic shield with the words "special officer"
22 and the name of the corporation for which appointed inscribed
23 thereon.

24 * * *

25 Section 2. Title 22 is amended by adding a chapter to read:

26 CHAPTER 37

27 HUMANE SOCIETY POLICE OFFICERS

28 Sec.

29 3701. Scope.

30 3702. Definitions.

- 1 3703. Appointment required.
- 2 3704. State Board of Humane Society Police Officers.
- 3 3705. Powers of the board.
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- 9 3711. Surrender of suspended or revoked appointment.
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- 15 3717. Limitation on possession of firearms.
- 16 3718. Search warrants.
- 17 3719. Societies or associations for the prevention of cruelty
- 18 to animals.
- 19 3720. Humane Society Police Officer Training and Education
- 20 Account.
- 21 3721. Surcharge and disposition of fines.

22 § 3701. Scope.

23 This chapter deals with humane society police officers.

24 § 3702. Definitions.

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

28 "Account." The Humane Society Police Officer Training and
29 Education Account established in section 3720 (relating to
30 Humane Society Police Officer Training and Education Account).

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

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

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

11 "Cruelty to animals laws." The provisions of 18 Pa.C.S. §
12 5511 (relating to cruelty to animals).

13 "Department." The Department of Agriculture of the
14 Commonwealth.

15 "Humane society police officer." Any natural person who is
16 duly employed, either part time or full time, by a society or
17 association for the prevention of cruelty to animals, to act as
18 a police officer for a society or association for the prevention
19 of cruelty to animals and who holds a current appointment under
20 this chapter. The term shall include an individual who is an
21 "agent" of a society or association for the prevention of
22 cruelty to animals as "agent" as used in 18 Pa.C.S. § 5511
23 (relating to cruelty to animals) provided that individual holds
24 a current appointment under this chapter.

25 "Secretary." The Secretary of Agriculture of the
26 Commonwealth.

27 "Serious misdemeanor." A criminal offense for which more
28 than one year in prison can be imposed as a punishment.

29 "Society or association for the prevention of cruelty to
30 animals." A nonprofit society or association duly incorporated

1 pursuant to 15 Pa.C.S. Ch. 53 Subch. A (relating to
2 incorporation generally) for the purpose of the prevention of
3 cruelty to animals.

4 § 3703. Appointment required.

5 It shall be unlawful for any individual to hold himself or
6 herself forth as a humane society police officer unless the
7 individual has obtained an appointment pursuant to this chapter.

8 § 3704. State Board of Humane Society Police Officers.

9 (a) Establishment.--There is hereby established the State
10 Board of Humane Society Police Officers, a departmental
11 administrative board within the Department of Agriculture. The
12 board shall have 11 members, one of whom shall be the secretary
13 or the secretary's designee who shall act as chairperson and who
14 is authorized to participate in and vote on all matters before
15 the board. The following remaining members must be citizens of
16 the United States who have been residents of this Commonwealth
17 for a two-year period:

18 (1) Two representatives of societies for the prevention
19 of cruelty to animals.

20 (2) A humane society police officer.

21 (3) A representative of a Statewide veterinary medical
22 association.

23 (4) Two representatives of farm organizations.

24 (5) A district attorney or the district attorney's
25 designee.

26 (6) A district justice.

27 (7) A police chief of a local municipality located
28 within this Commonwealth.

29 (8) A public member.

30 (b) Terms.--Except as provided in subsection (c), the term

1 of each member shall be four years or until such time as a
2 successor has been appointed and qualified, but not longer in
3 any event than six months beyond the four-year period. In the
4 event that any member dies or resigns during the member's term
5 of office, the member's successor shall be appointed in the same
6 way and with the same qualifications as set forth in subsection
7 (a) and shall hold office for the unexpired term. All members,
8 excluding the secretary or the secretary's designee, shall be
9 appointed by the Governor by and with the advice and consent of
10 the majority of members elected to the Senate.

11 (c) Initial appointments.--Within 90 days of the effective
12 date of this chapter, the Governor shall nominate:

13 (1) Two representatives of societies for the prevention
14 of cruelty to animals, one of whom shall serve a two-year
15 term and one of whom shall serve a four-year term.

16 (2) A humane society police officer, who shall serve a
17 two-year term.

18 (3) Two representatives of farm organizations, one of
19 whom shall serve a one-year term and one of whom shall serve
20 a three-year term.

21 The humane society police officer initially appointed pursuant
22 to this subsection need not be appointed by the provisions of
23 this chapter but, at the time of appointment to the board, must
24 have been employed as a humane society police officer for a
25 minimum of two years prior to the effective date of this
26 section.

27 (d) Absences.--Any member who fails to attend three
28 consecutive board meetings shall forfeit the member's seat
29 unless the secretary, upon written request from the member,
30 finds that the member should be excused from a meeting due to

1 illness or death of a family member.

2 (e) Compensation.--Each member of the board, except the
3 secretary or the secretary's designee, shall receive per diem
4 compensation at the rate of \$60 per day when actually attending
5 to the work of the board. Members shall also receive reasonable
6 travel, hotel and other necessary expenses incurred in the
7 performance of their duties in accordance with Commonwealth
8 regulation.

9 (f) Forfeiture for nonattendance.--A public member who fails
10 to attend two consecutive statutorily mandated training seminars
11 in accordance with section 813(e) of the act of April 9, 1929
12 (P.L.177, No.175), known as The Administrative Code of 1929,
13 shall forfeit the member's seat unless the secretary, upon
14 written request from the public member, finds that the public
15 member should be excused from attending because of illness or
16 the death of a family member.

17 (g) Quorum.--A majority of the members of the board serving
18 in accordance with law shall constitute a quorum for the
19 purposes of conducting the business of the board. A member may
20 not be counted as part of a quorum or vote on any issue unless
21 that member is physically in attendance at the meeting.

22 (h) Meetings.--The board shall meet at least twice a year in
23 Harrisburg, Pennsylvania.

24 (i) Notice.--Reasonable notice of all meetings shall be
25 given in conformity with 65 Pa.C.S. Ch. 7 (relating to open
26 meetings).

27 (j) Operating procedures.--The board shall meet within 30
28 days after the appointment of its members and establish
29 operating procedures and develop application forms for the
30 appointment of humane society police officers. It shall be the

1 responsibility of the board to circulate these forms and educate
2 the public to the requirements of appointment in order to hold
3 oneself out as a humane society police officer within this
4 Commonwealth.

5 § 3705. Powers of the board.

6 The board shall have the following powers:

7 (1) To approve the qualifications of applicants for
8 appointments to become humane society police officers.

9 (2) To adopt and from time to time revise such rules and
10 regulations as may be necessary to carry out this chapter.
11 Regulations may include, but are not limited to, standards of
12 professional practice and conduct for humane society police
13 officers.

14 (3) To examine for, deny, approve, issue, revoke,
15 suspend or renew appointments of humane society police
16 officers pursuant to this chapter and to conduct hearings in
17 connection with this chapter.

18 (4) To promulgate regulations that govern the boarding
19 of animals seized by a humane society police officer pursuant
20 to 18 Pa.C.S. § 5511(1) (relating to cruelty to animals).
21 Regulations shall include, but are not limited to, the
22 appropriate procedures for the seizure of animals and the
23 amount in fees that shall be charged for the care of seized
24 animals in the custody of a humane society police officer or
25 society or association for the prevention of cruelty to
26 animals.

27 (5) To promulgate regulations that establish appointment
28 qualification requirements in addition to those specified in
29 section 3707 (relating to qualifications for appointment).

30 (6) To waive education requirements and make an

1 appointment in cases deemed exceptional by the board and in
2 accordance with regulations promulgated by the board.

3 (7) To conduct hearings upon complaints concerning
4 violations of this chapter and the rules and regulations
5 adopted pursuant to this chapter and seek the prosecution and
6 enjoinder of all such violations.

7 (8) To have summons and subpoenas issued, if necessary,
8 for any witnesses or subpoenas duces tecum in connection with
9 any matter within jurisdiction of the board.

10 § 3706. Duties of the board.

11 (a) Records of proceedings.--The board shall keep a record
12 of its proceedings and records relating to applications,
13 issuance, denial, suspension and revocation of appointment for
14 humane society police officers. All appointments issued by the
15 board shall be numbered and recorded, and a file kept for that
16 purpose, and such file or record shall be open to the public.
17 Records relating to an individual's appointment as a humane
18 society police officer shall include the name, age, address,
19 employing society or association for the prevention of cruelty
20 to animals, record of compliance with all training and
21 continuing education requirements pursuant to this chapter and
22 other such information as the board deems appropriate. The
23 records of the board shall be prima facie evidence in the
24 proceedings and a certified transcript by the secretary shall be
25 admissible in evidence with the same force and effect as if the
26 original were produced.

27 (b) Annual report.--The board shall submit annually a report
28 to the Agriculture and Rural Affairs Committee of the Senate and
29 the Agriculture and Rural Affairs Committee of the House of
30 Representatives containing a description of the types of

1 complaints received, status of the cases, board action which has
2 been taken and length of time from the initial complaint to
3 final board resolution.

4 (c) Budget request.--The board shall submit annually to the
5 Appropriations Committee of the Senate and the Appropriations
6 Committee of the House of Representatives, 15 days after the
7 Governor has submitted his budget to the General Assembly, a
8 copy of the budget request for the upcoming fiscal year which
9 the board previously submitted to the department.

10 § 3707. Qualifications for appointment.

11 (a) General rule.--A society or association for the
12 prevention of cruelty to animals may apply to the board for the
13 appointment of an individual as a humane society police officer.
14 An applicant shall be qualified for an appointment to hold
15 oneself out as a humane society police officer, provided the
16 applicant submits proof satisfactory to the board and the board
17 finds that the applicant:

18 (1) Is of good moral character.

19 (2) Is a resident of this Commonwealth.

20 (3) Is in the employ, either part time or full time, of
21 a society or association for the prevention of cruelty to
22 animals.

23 (4) Has successfully completed the education
24 requirements pursuant to section 3715 (relating to training
25 program).

26 (5) Has obtained a criminal history report from the
27 Pennsylvania State Police pursuant to 18 Pa.C.S. Ch. 91
28 (relating to criminal history record information) or a
29 statement from the Pennsylvania State Police that the
30 Pennsylvania State Police central repository contains no

1 pertinent information relating to the individual who is the
2 subject of the application. The criminal history record
3 information shall be limited to that which may be
4 disseminated pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to
5 general regulations).

6 (6) Has not been convicted of an offense graded a felony
7 or a serious misdemeanor.

8 (7) Has not been convicted of an offense in another
9 jurisdiction, state, territory or country in accordance with
10 the laws of that jurisdiction, state, territory or country,
11 and the offense is equivalent to an offense specified in
12 paragraph (6) regardless of its grading in that jurisdiction,
13 state, territory or country.

14 (8) Has not been convicted of a felony under the act of
15 April 14, 1972 (P.L.233, No.64), known as The Controlled
16 Substance, Drug, Device and Cosmetic Act, or of an offense
17 under the laws of another jurisdiction, which, if committed
18 in this Commonwealth, would be a felony under The Controlled
19 Substance, Drug, Device and Cosmetic Act, unless:

20 (i) at least ten years have elapsed from the date of
21 conviction;

22 (ii) the applicant satisfactorily demonstrates to
23 the board that the applicant has made significant
24 progress in personal rehabilitation since the conviction,
25 such that appointment of the applicant should not be
26 expected to create a substantial risk of harm to the
27 health and safety of the public or a substantial risk of
28 further criminal violations; and

29 (iii) the applicant otherwise satisfies the
30 qualifications contained in or authorized by this

1 chapter.

2 As used in this paragraph, the term "convicted" shall include
3 a judgment, an admission of guilt or a plea of nolo
4 contendere.

5 (9) Has complied with any additional qualification
6 requirements promulgated by regulation.

7 § 3708. Temporary appointment.

8 (a) Temporary appointment.--A society or association for the
9 prevention of cruelty to animals may petition the board for the
10 temporary appointment of an individual as a humane society
11 police officer, provided that:

12 (1) The individual:

13 (i) Is of good moral character.

14 (ii) Is a resident of this Commonwealth.

15 (iii) Is in the employ, either part time or full
16 time, of a society or association for the prevention of
17 cruelty to animals.

18 (iv) Has not been previously appointed under this
19 section.

20 (v) Submits to the board the criminal history
21 information prescribed in section 3707(5) (relating to
22 qualifications for appointment).

23 (vi) Has not been convicted of an offense as
24 prescribed in section 3707(6), (7) or (8).

25 (vii) Has complied with any additional qualification
26 requirements promulgated by regulation.

27 (2) No other individual that is employed, either part
28 time or full time, by the society or association for the
29 prevention of cruelty to animals is currently appointed to
30 act as a humane society police officer.

1 (b) Expiration.--A temporary appointment under this section
2 shall expire at the end of six months or such time as the
3 individual or any other employee of the society or association
4 for the prevention of cruelty to animals has been permanently
5 appointed by the board to act as a humane society police
6 officer, whichever is earlier. No more than one temporary
7 appointment shall be effective for any society or association
8 for the prevention of cruelty to animals at any time.

9 § 3709. Refusal, suspension and revocation of appointment.

10 (a) Grounds.--The board may refuse, suspend, revoke, limit
11 or restrict an appointment or reprimand an appointee for any of
12 the following reasons:

13 (1) Being convicted of a felony, serious misdemeanor or
14 a crime of moral turpitude in any Federal or state court or
15 being convicted of the equivalent of a felony in any foreign
16 country, territory or possession. As used in this paragraph,
17 the term "convicted" includes a finding or verdict of guilt,
18 an admission of guilt or a plea of nolo contendere or
19 receiving probation without verdict, disposition in lieu of
20 trial or an Accelerated Rehabilitative Disposition in the
21 disposition of felony charges.

22 (2) Being found by the board to have committed an act or
23 acts of immoral or unprofessional conduct.

24 (3) Violating standards of professional practice or
25 conduct adopted by the board.

26 (4) Presenting false credentials or documents or making
27 a false or misleading statement of fact in support of the
28 appointee's application for appointment.

29 (5) Submitting a false or misleading biennial renewal to
30 the board.

1 (6) Violating a regulation promulgated by the board,
2 including, but not limited to, standards of professional
3 practice and conduct or violating an order of the board
4 previously entered in a disciplinary proceeding.

5 (7) Being unable to act with reasonable skill and safety
6 by reason of illness, drunkenness, excessive use of drugs,
7 narcotics, chemicals or any other type of material or as a
8 result of any mental or physical condition. In enforcing this
9 paragraph, the board shall, upon probable cause, have
10 authority to compel an appointee to submit to a mental or
11 physical examination by a physician approved by the board.
12 Failure of an appointee to submit to an examination when
13 directed by the board, unless the failure is due to
14 circumstances beyond the appointee's control, shall
15 constitute an admission of the allegations against the
16 appointee, consequent upon which a default and final order
17 may be entered without the taking of testimony or
18 presentation of evidence.

19 (8) Failing to meet any requirement for qualification
20 established pursuant to section 3707 (relating to
21 qualifications for appointment).

22 (b) Board action.--When the board finds that the appointment
23 or application for appointment of any individual may be refused,
24 revoked, restricted or suspended under the terms of subsection
25 (a), the board may:

26 (1) Deny the application for an appointment.

27 (2) Administer a public reprimand.

28 (3) Revoke, suspend, limit or otherwise restrict an
29 appointment as determined by the board.

30 (4) Suspend enforcement of its findings thereof and

1 place an appointee on probation with the right to vacate the
2 probationary order for noncompliance.

3 (c) Restoration of suspended appointment.--The board may
4 restore a suspended appointment of an individual if the
5 individual provides to the board evidence sufficient to warrant
6 restoration and the board determines the grounds for suspension
7 have been satisfactorily corrected and the individual otherwise
8 qualifies for appointment. In restoring the appointment, the
9 board may continue to impose limitations and corrective measures
10 the board determines to be necessary to ensure an individual's
11 compliance with the requirements of this chapter.

12 (d) Hearing.--All actions of the board shall be taken
13 subject to the right of notice, hearing and adjudication and the
14 right of appeal therefrom in accordance with 2 Pa.C.S. ~~(relating~~ <—
15 ~~to administrative law and procedure)~~. CH. 5 SUBCH. A (RELATING <—
16 TO PRACTICE AND PROCEDURE OF COMMONWEALTH AGENCIES) AND CH. 7
17 SUBCH. A (RELATING TO JUDICIAL REVIEW OF COMMONWEALTH AGENCY
18 ACTION).

19 (e) Temporary suspension.--The board shall temporarily
20 suspend an appointment under circumstances as determined by the
21 board to be an immediate and clear danger to the public health
22 and safety. The board shall issue an order to that effect
23 without a hearing, but upon due notice to the appointee
24 concerned at the last known address of the appointee, which
25 shall include a written statement of all allegations against the
26 appointee. Subsection (d) shall not apply to temporary
27 suspension. The board shall thereupon commence formal action to
28 suspend, revoke or restrict the appointment of the individual
29 concerned as otherwise provided for in this chapter. All actions
30 shall be taken promptly and without delay. Within 30 days

1 following the issuance of an order temporarily suspending an
2 appointment, the board shall conduct, or cause to be conducted,
3 a preliminary hearing to determine that there is a prima facie
4 case supporting the suspension. The appointee whose appointment
5 has been temporarily suspended may be present at the preliminary
6 hearing and may be represented by counsel, cross-examine
7 witnesses, inspect physical evidence, call witnesses, offer
8 evidence and testimony and make a record of the proceedings. If
9 it is determined that there is not a prima facie case, the
10 suspended appointment shall be immediately restored. The
11 temporary suspension shall remain in effect until vacated by the
12 board, but in no event longer than 180 days.

13 (f) Automatic suspension.--

14 (1) An appointment issued under this chapter shall
15 automatically be suspended upon the legal commitment of an
16 appointee to an institution because of mental incompetence
17 from any cause upon filing with the board of a certified copy
18 of such commitment, conviction of a felony under the act of
19 April 14, 1972 (P.L.233, No.64), known as The Controlled
20 Substance, Drug, Device and Cosmetic Act, or conviction of an
21 offense under the laws of another jurisdiction, which, if
22 committed in this Commonwealth, would be a felony under The
23 Controlled Substance, Drug, Device and Cosmetic Act.

24 (2) Automatic suspension under this section shall not be
25 stayed pending an appeal of legal commitment or conviction.
26 Restoration of such appointment shall be made as provided in
27 subsection (c).

28 (3) The board may act to revoke the appointment of any
29 individual whose actions have caused the individual's
30 appointment to be automatically suspended under this

subsection.

(4) As used in this paragraph, the term "conviction" shall include a judgment, an admission of guilt or a plea of nolo contendere.

§ 3710. Reinstatement of appointment.

The board shall not reinstate the appointment of an individual which has been revoked to act as a humane society police officer pursuant to this chapter FOR A PERIOD OF AT LEAST <— FIVE YEARS. Any individual whose appointment has been revoked may apply for reinstatement after a period of at least five years. The appointment of an individual whose appointment is revoked may only be reinstated if the individual provides to the board evidence sufficient to warrant reinstatement and the board determines the individual meets all of the qualifications required to be met under this chapter for appointment as a humane society police officer.

§ 3711. Surrender of suspended or revoked appointment.

The board shall require an individual whose appointment has been suspended or revoked to return the appointment in such manner as the board directs.

§ 3712. Jurisdiction of humane society police officers.

(a) General rule.--An individual appointed as a humane society police officer in accordance with this chapter shall have the power and authority to enforce the provisions of 18 Pa.C.S. § 5511 (relating to cruelty to animals) or otherwise perform the functions of the office of humane society police officer anywhere within this Commonwealth.

(b) Filing requirement.--Prior to exercising the power and authority set forth by this chapter within a county, each appointed humane society police officer shall file notice along

1 with a copy of the appointment granted under this chapter with
2 the district attorney in each county in which the officer is
3 directed to act by the employing society or association for the
4 prevention of cruelty to animals.

5 § 3713. Penalties.

6 (a) Criminal penalties.--A person who violates this chapter
7 commits a misdemeanor of the third degree and shall, upon
8 conviction, be sentenced to pay a fine of up to \$1,000 or to
9 imprisonment for not more than 90 days, or both.

10 (b) Civil penalty.--In addition to any other civil remedy or
11 criminal penalty provided for in this chapter, the board, by a
12 vote of the majority of the maximum number of the authorized
13 membership of the board as provided by law, or by a vote of the
14 majority of the qualified and confirmed membership IN CASES <—
15 WHERE A VACANCY EXISTS, may levy a civil penalty of up to \$1,000
16 on any current appointee or association or society for the
17 prevention of cruelty to animals who violates any provision of
18 this chapter or on any person who holds himself or herself out
19 as a humane society police officer without being so appointed
20 pursuant to this chapter. The board shall levy this penalty only
21 after affording the accused party the opportunity for a hearing,
22 as provided in 2 Pa.C.S. (relating to administrative law and
23 procedure).

24 (c) Disposition.--All fines and civil penalties imposed in
25 accordance with this section shall be paid into the Humane
26 Society Police Officer Training and Education Account.

27 § 3714. Appointment renewal; fees.

28 (a) Renewal term.--Renewal of appointment shall be on a
29 biennial basis. A society or association for the prevention of
30 cruelty to animals may apply to the board for the renewal of an

1 appointment of an individual as a humane society police officer.
2 The board shall by regulation require evidence of continuing
3 education pursuant to section 3716 (relating to continuing
4 education) as a condition of appointment renewal.

5 (b) Fees.--

6 (1) Except for the fees set forth in paragraph (3), all
7 fees required pursuant to this chapter shall be fixed by the
8 board by regulation and shall be subject to the act of June
9 25, 1982 (P.L.633, No.181), known as the Regulatory Review
10 Act.

11 (2) If the revenues raised by fees, fines and civil
12 penalties imposed pursuant to this chapter are not sufficient
13 to meet expenditures over a two-year period, the board shall
14 increase those fees by regulation so that the projected
15 revenues will meet or exceed projected expenditures.

16 (3) The board shall charge the following fees, subject
17 to increase as provided in paragraph (2):

18 (i) Application for appointment - \$50.

19 (ii) Initial appointment - \$100.

20 (iii) Biennial renewal - \$50.

21 § 3715. Training program.

22 (a) Contracts.--The board shall contract with an accredited
23 college or university, including a community college, or other
24 public or private entity for the establishment of a program for
25 the training of individuals to act as humane society police
26 officers.

27 (b) Minimum requirements.--The program for the training of
28 humane society police officers must include, at a minimum, a
29 total of 56 hours of instruction, in accordance with subsection
30 (c).

1 (c) Curriculum.--The program for the training of humane
2 society police officers must provide instruction in the
3 following instructional areas:

4 (1) At least 32 hours of instruction shall be provided
5 on the following:

6 (i) Cruelty to animals laws.

7 (ii) Care and treatment of animals.

8 (iii) Pennsylvania Rules of Criminal Procedure.

9 (iv) Any other areas of instruction as determined by
10 the board.

11 (2) At least 24 hours of instruction shall be provided
12 on the following:

13 (i) Animal husbandry practices constituting normal
14 agricultural operation.

15 (ii) Practices accepted in the agricultural industry
16 in the raising, keeping and production of agricultural
17 animals.

18 (iii) Characteristics of agricultural animals likely
19 evidencing care that is in violation of the cruelty to
20 animals laws.

21 (iv) Proper care and handling of agricultural
22 animals pursuant to enforcement of the cruelty to animals
23 laws.

24 (v) Treatments administered and research conducted
25 during the normal scope of veterinarian practices.

26 (vi) Any other areas of instruction as determined by
27 the board.

28 (d) Final examination.--The training program shall require
29 individuals, as a prerequisite to successful completion of the
30 program, to take and pass a final examination that sufficiently

1 measures the individual's knowledge and understanding of the
2 instructional material.

3 (e) Optional training programs.--A humane society police
4 officer may satisfy the training requirements of subsection (a)
5 and the continuing education requirements of section 3716(b)
6 (relating to continuing education) by successfully completing a
7 training program developed and administered by an accredited
8 college or university or community college or by a public or
9 private entity if the training program has been approved by the
10 board as meeting the requirements of subsections (b), (c) and
11 (d) and section 3716(b). The board shall by regulation establish
12 standards and procedures for approving optional training
13 programs. Pending promulgation of the regulations, the board may
14 adopt interim guidelines for approval of optional training
15 programs.

16 § 3716. Continuing education.

17 (a) Contract.--The board shall contract with an accredited
18 college or university, including a community college, or other
19 public or private entity for the establishment of continuing
20 education programs for humane society police officers. The board
21 shall adopt, promulgate and enforce rules and regulations
22 consistent with the provisions of this chapter establishing
23 requirements of continuing education to be met by individuals
24 appointed as humane society police officers under this chapter
25 as a condition for renewal of their appointment.

26 (b) Mandatory continuing education.--Beginning with the
27 appointment period designated by regulation, each individual
28 appointed as a humane society police officer pursuant to this
29 chapter shall be required to obtain 10 hours of mandatory
30 continuing education during each two-year appointment period. At

1 least three of the ten hours of instruction must be provided in
2 areas of instruction prescribed in section 3715(c)(2) (relating
3 to training program).

4 (c) Completion as prerequisite for renewal of appointment.--
5 An individual who has failed to complete in the prior
6 appointment period the continuing education requirements
7 prescribed in subsection (b) shall not be issued a renewal of
8 appointment until the education requirements are completed. Such
9 regulations shall include any fees necessary for the board to
10 carry out its responsibilities under this section.

11 (d) Board notice.--The board shall inform appointees of the
12 continuing education requirement prior to the renewal period
13 when continuing education is required.

14 § 3717. Limitation on possession of firearms.

15 No individual appointed as a humane society police officer
16 shall carry, possess or use a firearm in the performance of the
17 officer's duties unless the individual holds a current and valid
18 certification in the use and handling of firearms pursuant to at
19 least one of the following:

20 (1) 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal
21 police education and training).

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

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

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

30 § 3718. Search warrants.

1 Notwithstanding contrary provisions of 18 Pa.C.S. § 5511(1)
2 (relating to cruelty to animals) and in addition to the
3 requirements of existing law, all search warrant applications
4 filed in connection with alleged violations of cruelty to
5 animals laws must have the approval of the district attorney in
6 the county of the alleged offense prior to filing.

7 § 3719. Societies or associations for the prevention of cruelty
8 to animals.

9 It shall be unlawful for any society or association for the
10 prevention of cruelty to animals to employ an individual, either
11 part time or full time, as a humane society police officer who
12 has not obtained an appointment in accordance with this chapter.

13 § 3720. Humane Society Police Officer Training and Education
14 Account.

15 (a) Establishment.--There is hereby established the Humane
16 Society Police Officer Training and Education Account, a special
17 restricted account within the General Fund.

18 (b) Sources.--All money paid into the State Treasury under
19 the provisions of this chapter, including, but not limited to,
20 fees, fines and penalties, shall be paid into the Humane Society
21 Police Officer Training and Education Account.

22 (c) Purpose.--Money and interest in the account is hereby
23 appropriated upon approval of the Governor to the department for
24 payment of costs of processing appointments and renewals, for
25 the operation of the board and for other general costs of
26 operations relating to this chapter.

27 § 3721. Surcharge and disposition of fines.

28 (a) Levy and imposition.--In addition to any fines, fees or
29 penalties levied or imposed as provided by law, under this
30 chapter or any other statute, a surcharge shall be levied for

1 disposition in accordance with subsection (b) as follows:

2 (1) Upon conviction for any violation of 18 Pa.C.S. §
3 5511 (relating to cruelty to animals), a surcharge of \$100.

4 (2) Upon conviction for any violation of 18 Pa.C.S. §
5 5511.1 (relating to live animals as prizes prohibited), a
6 surcharge of \$100.

7 (3) Upon conviction for any violation of 18 Pa.C.S. §
8 5511.2 (relating to police animals), a surcharge of \$100.

9 (b) Disposition.--Notwithstanding the provisions of 42
10 Pa.C.S. §§ 3571 (relating to Commonwealth portion of fines,
11 etc.) and 3573 (relating to municipal corporation portion of
12 fines, etc.), all surcharges levied and collected under
13 subsection (a) by a division of the unified judicial system
14 existing under section 1 of Article V of the Constitution of
15 Pennsylvania and 42 Pa.C.S. § 301 (relating to unified judicial
16 system) shall be remitted to the Commonwealth for deposit in the
17 Humane Society Police Officer Training and Education Account for
18 the purpose of funding the training program established in
19 section 3715 (relating to training program) and the continuing
20 education program established in section 3716 (relating to
21 continuing education). The surcharges levied and collected under
22 subsection (a) shall not be deposited for the credit or use of,
23 or otherwise allocated, directed or paid to, counties or
24 municipalities under the provisions of 42 Pa.C.S. Ch. 35 Subch.
25 E (relating to fines, etc.) or any other statute, the Crime
26 Victim's Compensation Fund established under section 1101(b)(1)
27 of the act of November 24, 1998 (P.L.882, No.111), known as the
28 Crime Victims Act, the Victim Witness Services Fund established
29 under section 1101(b)(2) of the Crime Victims Act, rape crisis
30 centers, the Emergency Medical Services Operating Fund, domestic

1 violence shelters, the Judicial Computer System Augmentation
2 Account established under 42 Pa.C.S. Ch. 37 Subch. C (relating
3 to judicial computer system) or under any other statute.

4 Section 3. The act of December 12, 1994 (P.L.956, No.135),
5 known as the Humane Society Police Officer Enforcement Act, is
6 repealed.

7 Section 4. This act shall take effect in 60 days.