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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 871      Session of  
2003

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

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AS AMENDED ON THIRD CONSIDERATION, JUNE 15, 2004

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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~~ OFFICER ADVISORY BOARD and the Humane Society Police <—  
9 Officer Training and Education Account; and making a related <—  
10 repeal.

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

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

15 § 501. Appointment by nonprofit corporations.

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

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

6 \* \* \*

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

25 \* \* \*

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

27 ~~CHAPTER 37~~

28 ~~HUMANE SOCIETY POLICE OFFICERS~~

29 ~~Sec.~~

30 ~~3701. Scope.~~

1   ~~3702.— Definitions.~~

2   ~~3703.— Appointment required.~~

3   ~~3704.— State Board of Humane Society Police Officers.~~

4   ~~3705.— Powers of the board.~~

5   ~~3706.— Duties of the board.~~

6   ~~3707.— Qualifications for appointment.~~

7   ~~3708.— Temporary appointment.~~

8   ~~3709.— Refusal, suspension and revocation of appointment.~~

9   ~~3710.— Reinstatement of appointment.~~

10   ~~3711.— Surrender of suspended or revoked appointment.~~

11   ~~3712.— Jurisdiction of humane society police officers.~~

12   ~~3713.— Penalties.~~

13   ~~3714.— Appointment renewal; fees.~~

14   ~~3715.— Training program.~~

15   ~~3716.— Continuing education.~~

16   ~~3717.— Limitation on possession of firearms.~~

17   ~~3718.— Search warrants.~~

18   ~~3719.— Societies or associations for the prevention of cruelty~~

19           ~~to animals.~~

20   ~~3720.— Humane Society Police Officer Training and Education~~

21           ~~Account.~~

22   ~~3721.— Surcharge and disposition of fines.~~

23   ~~§ 3701.— Scope.~~

24       ~~This chapter deals with humane society police officers.~~

25   ~~§ 3702.— Definitions.~~

26       ~~The following words and phrases when used in this chapter~~

27   ~~shall have the meanings given to them in this section unless the~~

28   ~~context clearly indicates otherwise:~~

29       ~~"Account."— The Humane Society Police Officer Training and~~

30   ~~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.~~

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

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

~~"Society or association for the prevention of cruelty to~~

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

5 ~~§ 3703. Appointment required.~~

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

9 ~~§ 3704. State Board of Humane Society Police Officers.~~

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

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

21 ~~(2) A humane society police officer.~~

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

24 ~~(4) Two representatives of farm organizations.~~

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

27 ~~(6) A district justice.~~

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

30 ~~(8) A public member.~~

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

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

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

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

~~(3) Two representatives of farm organizations, one of whom shall serve a one year term and one of whom shall serve a three year term.~~

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

~~(d) Absences. Any member who fails to attend three consecutive board meetings shall forfeit the member's seat unless the secretary, upon written request from the member,~~

~~finds that the member should be excused from a meeting due to illness or death of a family member.~~

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

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

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

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

~~(i) Notice. Reasonable notice of all meetings shall be given in conformity with 65 Pa.C.S. Ch. 7 (relating to open 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(1) (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.~~

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



1           ~~(6) To waive education requirements and make an~~  
2           ~~appointment in cases deemed exceptional by the board and in~~  
3           ~~accordance with regulations promulgated by the board.~~

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

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

11   ~~§ 3706. Duties of the board.~~

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

28          ~~(b) Annual report. The board shall submit annually a report~~  
29          ~~to the Agriculture and Rural Affairs Committee of the Senate and~~  
30          ~~the Agriculture and Rural Affairs Committee of the House of~~

~~Representatives containing a description of the types of complaints received, status of the cases, board action which has been taken and length of time from the initial complaint to final board resolution.~~

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

~~§ 3707. Qualifications for appointment.~~

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

~~(1) Is of good moral character.~~

~~(2) Is a resident of this Commonwealth.~~

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

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

~~(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~~

1 ~~Pennsylvania State Police central repository contains no~~  
2 ~~pertinent information relating to the individual who is the~~  
3 ~~subject of the application. The criminal history record~~  
4 ~~information shall be limited to that which may be~~  
5 ~~disseminated pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to~~  
6 ~~general regulations).~~

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

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

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

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

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

30 ~~(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.~~

~~(9) 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 an offense as  
prescribed in section 3707(6), (7) or (8).~~

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

~~(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~~

1 ~~act as a humane society police officer.~~

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

10 ~~§ 3709. Refusal, suspension and revocation of appointment.~~

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

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

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

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

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

30 ~~(5) Submitting a false or misleading biennial renewal to~~

1 the board.

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

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

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

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

27 ~~(1) Deny the application for an appointment.~~

28 ~~(2) Administer a public reprimand.~~

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

~~(4) Suspend enforcement of its findings thereof and place an appointee on probation with the right to vacate the 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. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).~~

~~(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~~

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~~



1       ~~subsection.~~

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

5   ~~§ 3710. Reinstatement of appointment.~~

6       ~~The board shall not reinstate the appointment of an~~  
7       ~~individual which has been revoked to act as a humane society~~  
8       ~~police officer pursuant to this chapter for a period of at least~~  
9       ~~five years. Any individual whose appointment has been revoked~~  
10      ~~may apply for reinstatement after a period of at least five~~  
11      ~~years. The appointment of an individual whose appointment is~~  
12      ~~revoked may only be reinstated if the individual provides to the~~  
13      ~~board evidence sufficient to warrant reinstatement and the board~~  
14      ~~determines the individual meets all of the qualifications~~  
15      ~~required to be met under this chapter for appointment as a~~  
16      ~~humane society police officer.~~

17   ~~§ 3711. Surrender of suspended or revoked appointment.~~

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

21   ~~§ 3712. Jurisdiction of humane society police officers.~~

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

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

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

~~§ 3713. Penalties.~~

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

~~(b) Civil penalty. In addition to any other civil remedy or criminal penalty provided for in this chapter, the board, by a vote of the majority of the maximum number of the authorized membership of the board as provided by law, or by a vote of the majority of the qualified and confirmed membership in cases where a vacancy exists, may levy a civil penalty of up to \$1,000 on any current appointee or association or society for the prevention of cruelty to animals who violates any provision of this chapter or on any person who holds himself or herself out as a humane society police officer without being so appointed pursuant to this chapter. The board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided in 2 Pa.C.S. (relating to administrative law and procedure).~~

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

~~§ 3714. Appointment renewal; fees.~~

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

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

~~(b) Fees.—~~

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

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

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

~~(i) Application for appointment — \$50.~~

~~(ii) Initial appointment — \$100.~~

~~(iii) Biennial renewal — \$50.~~

~~§ 3715. Training program.~~

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

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

~~(c).~~

~~(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~~

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

3 ~~(c) 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~~

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

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

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

~~§ 3717. Limitation on possession of firearms.~~

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

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

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

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

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

~~§ 3718. Search warrants.~~

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

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

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

~~§ 3720. Humane Society Police Officer Training and Education Account.~~

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

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

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

~~§ 3721. Surcharge and disposition of fines.~~

~~(a) Levy and imposition. In addition to any fines, fees or penalties levied or imposed as provided by law, under this 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~~



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

## CHAPTER 37

### HUMANE SOCIETY POLICE OFFICERS

SEC.

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§ 3701. SCOPE OF CHAPTER.

THIS CHAPTER DEALS WITH HUMANE SOCIETY POLICE OFFICERS.

§ 3702. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER

1 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
2 CONTEXT CLEARLY INDICATES OTHERWISE:

3 "ACCOUNT." THE HUMANE SOCIETY POLICE OFFICER ACCOUNT  
4 ESTABLISHED IN SECTION 3717 (RELATING TO HUMANE SOCIETY POLICE  
5 OFFICER ACCOUNT).

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

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

15 "BOARD." THE HUMANE SOCIETY POLICE OFFICER ADVISORY BOARD.

16 "COMPLAINANT." ANY PERSON WHO HAS EVIDENCE THAT AN  
17 INDIVIDUAL APPOINTED AS A HUMANE SOCIETY POLICE OFFICER HAS  
18 PERFORMED IN A MANNER THAT IS CONTRARY TO THE STANDARDS,  
19 REQUIREMENTS AND QUALIFICATIONS PRESCRIBED IN THIS CHAPTER FOR  
20 APPOINTMENT OF INDIVIDUALS AS HUMANE SOCIETY POLICE OFFICERS.  
21 THE TERM ALSO INCLUDES A DISTRICT ATTORNEY OR A MUNICIPAL  
22 SOLICITOR.

23 "CONVICTED." A FINDING OR VERDICT OF GUILT, AN ADMISSION OF  
24 GUILT OR A PLEA OF NOLO CONTENDERE OR RECEIVING PROBATION  
25 WITHOUT VERDICT, DISPOSITION IN LIEU OF TRIAL OR AN ACCELERATED  
26 REHABILITATIVE DISPOSITION IN THE DISPOSITION OF FELONY CHARGES.

27 "CRUELTY TO ANIMALS LAWS." THE PROVISIONS OF 18 PA.C.S. §  
28 5511 (RELATING TO CRUELTY TO ANIMALS).

29 "DEPARTMENT." THE DEPARTMENT OF AGRICULTURE OF THE  
30 COMMONWEALTH.

1 "HUMANE SOCIETY POLICE OFFICER." ANY PERSON WHO HOLDS A  
2 CURRENT APPOINTMENT UNDER THIS CHAPTER TO ACT AS A HUMANE  
3 SOCIETY POLICE OFFICER FOR A SOCIETY OR ASSOCIATION FOR THE  
4 PREVENTION OF CRUELTY TO ANIMALS. THE TERM SHALL INCLUDE AN  
5 INDIVIDUAL WHO IS AN AGENT OF A SOCIETY OR ASSOCIATION FOR THE  
6 PREVENTION OF CRUELTY TO ANIMALS AS "AGENT" IS USED IN 18  
7 PA.C.S. § 5511 (RELATING TO CRUELTY TO ANIMALS) PROVIDED THAT  
8 INDIVIDUAL HOLDS A CURRENT APPOINTMENT UNDER THIS CHAPTER.

9 "SECRETARY." THE SECRETARY OF AGRICULTURE OF THE  
10 COMMONWEALTH.

11 "SERIOUS MISDEMEANOR." A CRIMINAL OFFENSE FOR WHICH MORE  
12 THAN ONE YEAR IN PRISON CAN BE IMPOSED AS A PUNISHMENT.

13 "SOCIETY OR ASSOCIATION." A NONPROFIT SOCIETY OR ASSOCIATION  
14 DULY INCORPORATED PURSUANT TO 15 PA.C.S. CH. 53 SUBCH. A  
15 (RELATING TO INCORPORATION GENERALLY) FOR THE PURPOSE OF THE  
16 PREVENTION OF CRUELTY TO ANIMALS.

17 § 3703. APPOINTMENT REQUIRED.

18 IT SHALL BE UNLAWFUL FOR ANY INDIVIDUAL TO HOLD HIMSELF FORTH  
19 AS A HUMANE SOCIETY POLICE OFFICER UNLESS THE INDIVIDUAL HAS  
20 OBTAINED AN APPOINTMENT PURSUANT TO THIS CHAPTER.

21 § 3704. APPOINTMENT BY NONPROFIT CORPORATIONS.

22 (A) APPLICATION FOR APPOINTMENT.--A SOCIETY OR ASSOCIATION  
23 MAY APPLY TO THE COURT OF COMMON PLEAS IN A COUNTY FOR THE  
24 APPOINTMENT OF AN INDIVIDUAL AS A HUMANE SOCIETY POLICE OFFICER  
25 FOR THAT COUNTY. THE COURT, UPON SUCH APPLICATION, SHALL BY  
26 ORDER APPOINT SUCH PERSON TO BE A HUMANE SOCIETY POLICE OFFICER.

27 (B) OATH.--EVERY INDIVIDUAL APPOINTED AS A HUMANE SOCIETY  
28 POLICE OFFICER PURSUANT TO THIS CHAPTER SHALL, BEFORE ENTERING  
29 UPON THE DUTIES OF THE OFFICE, TAKE AND SUBSCRIBE TO THE OATH  
30 REQUIRED BY ARTICLE VI OF THE CONSTITUTION OF PENNSYLVANIA.

1 § 3705. QUALIFICATIONS FOR APPOINTMENT.

2 AN INDIVIDUAL SHALL BE QUALIFIED FOR AN APPOINTMENT AS A  
3 HUMANE SOCIETY POLICE OFFICER PROVIDED THE SOCIETY OR  
4 ASSOCIATION SUBMITS PROOF SATISFACTORY TO THE COURT OF COMMON  
5 PLEAS IN EACH COUNTY FOR WHICH THE SOCIETY OR ASSOCIATION  
6 DIRECTS THE INDIVIDUAL TO ACT AS A HUMANE SOCIETY POLICE OFFICER  
7 THAT THE INDIVIDUAL MEETS ALL OF THE FOLLOWING REQUIREMENTS:

8 (1) HAS BEEN A RESIDENT OF THIS COMMONWEALTH FOR THE  
9 PREVIOUS 12 MONTHS.

10 (2) HAS SUCCESSFULLY COMPLETED THE TRAINING PROGRAM  
11 ESTABLISHED PURSUANT TO SECTION 3713 (RELATING TO TRAINING  
12 PROGRAM).

13 (3) HAS OBTAINED A CRIMINAL HISTORY REPORT FROM THE  
14 PENNSYLVANIA STATE POLICE PURSUANT TO 18 PA.C.S. CH. 91  
15 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION) OR A  
16 STATEMENT FROM THE PENNSYLVANIA STATE POLICE THAT THE  
17 PENNSYLVANIA STATE POLICE CENTRAL REPOSITORY CONTAINS NO  
18 PERTINENT INFORMATION RELATING TO THE INDIVIDUAL WHO IS THE  
19 SUBJECT OF THE APPLICATION. THE CRIMINAL HISTORY RECORD  
20 INFORMATION SHALL BE LIMITED TO THAT WHICH MAY BE  
21 DISSEMINATED PURSUANT TO 18 PA.C.S. § 9121(B)(2) (RELATING TO  
22 GENERAL REGULATIONS).

23 (4) HAS NOT BEEN CONVICTED OF AN OFFENSE GRADED A FELONY  
24 OR A SERIOUS MISDEMEANOR.

25 (5) HAS NOT BEEN CONVICTED OF ANY VIOLATION, INCLUDING A  
26 SUMMARY OFFENSE, OF 18 PA.C.S. § 5511 (RELATING TO CRUELTY TO  
27 ANIMALS).

28 (6) HAS NOT BEEN CONVICTED OF AN OFFENSE IN ANOTHER  
29 JURISDICTION, STATE, TERRITORY OR COUNTRY IN ACCORDANCE WITH  
30 THE LAWS OF THAT JURISDICTION, STATE, TERRITORY OR COUNTRY

EQUIVALENT TO AN OFFENSE GRADED A FELONY OR A SERIOUS  
MISDEMEANOR OR AN OFFENSE OF CRUELTY TO ANIMALS.

§ 3706. TEMPORARY APPOINTMENT.

(A) QUALIFICATIONS.--A SOCIETY OR ASSOCIATION MAY PETITION A  
COURT OF COMMON PLEAS IN A COUNTY FOR TEMPORARY APPOINTMENT OF  
AN INDIVIDUAL AS A HUMANE SOCIETY POLICE OFFICER IN THAT COUNTY,  
PROVIDED THAT NO OTHER INDIVIDUAL IS CURRENTLY APPOINTED TO ACT  
AS A HUMANE SOCIETY POLICE OFFICER FROM THE SOCIETY OR  
ASSOCIATION AND THE INDIVIDUAL MEETS ALL OF THE FOLLOWING  
REQUIREMENTS:

(1) HAS BEEN A RESIDENT OF THIS COMMONWEALTH FOR THE  
PREVIOUS 12 MONTHS.

(2) HOLDS A CURRENT APPOINTMENT GRANTED UNDER THIS  
CHAPTER IN ANOTHER COUNTY LOCATED WITHIN THIS COMMONWEALTH.

(3) 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).

(4) HAS NOT BEEN CONVICTED OF AN OFFENSE GRADED A FELONY  
OR A SERIOUS MISDEMEANOR.

(5) HAS NOT BEEN CONVICTED OF ANY VIOLATION, INCLUDING A  
SUMMARY OFFENSE, OF 18 PA.C.S. § 5511 (RELATING TO CRUELTY TO  
ANIMALS).

(6) HAS NOT BEEN CONVICTED OF AN OFFENSE IN ANOTHER

JURISDICTION, STATE, TERRITORY OR COUNTRY IN ACCORDANCE WITH  
THE LAWS OF THAT JURISDICTION, STATE, TERRITORY OR COUNTRY  
EQUIVALENT TO AN OFFENSE GRADED A FELONY OR A SERIOUS  
MISDEMEANOR OR AN OFFENSE OF CRUELTY TO ANIMALS.

(B) TERM.--A TEMPORARY APPOINTMENT UNDER THIS SECTION SHALL  
EXPIRE AT THE END OF SIX MONTHS OR SUCH TIME AS THE TEMPORARILY  
APPOINTED INDIVIDUAL OR ANY OTHER INDIVIDUAL IS PERMANENTLY  
APPOINTED BY THE COURT OF COMMON PLEAS TO ACT AS A HUMANE  
SOCIETY POLICE OFFICER IN THE COUNTY, WHICHEVER IS SOONER. NO  
MORE THAN ONE TEMPORARY APPOINTMENT SHALL BE EFFECTIVE FOR ANY  
ONE COUNTY AT ANY TIME.

§ 3707. SUSPENSION, REVOCATION, LIMITATION AND RESTRICTION OF  
APPOINTMENT; RESTORATION OF APPOINTMENT.

(A) GROUNDS FOR SUSPENSION, REVOCATION, LIMITATION OR  
RESTRICTION.--BY ITS OWN ACTION OR PURSUANT TO A WRITTEN  
AFFIDAVIT FILED BY A COMPLAINANT, THE COURT OF COMMON PLEAS MAY  
SUSPEND, REVOKE, LIMIT OR RESTRICT AN APPOINTMENT OF AN  
INDIVIDUAL TO ACT AS A HUMANE SOCIETY POLICE OFFICER IN THE  
COUNTY IF THE COURT DETERMINES ANY OF THE FOLLOWING:

(1) BEING CONVICTED OF A FELONY OR A SERIOUS MISDEMEANOR  
IN ANY FEDERAL OR STATE COURT OR BEING CONVICTED OF THE  
EQUIVALENT OF A FELONY IN ANY FOREIGN COUNTRY, TERRITORY OR  
POSSESSION.

(2) BEING CONVICTED OF AN OFFENSE OF CRUELTY TO ANIMALS  
IN ANY FEDERAL OR STATE COURT OR BEING CONVICTED OF THE  
EQUIVALENT OF A CRUELTY TO ANIMALS OFFENSE IN ANY FOREIGN  
COUNTRY, TERRITORY OR POSSESSION.

(3) PRESENTING FALSE CREDENTIALS OR DOCUMENTS OR MAKING  
A FALSE OR MISLEADING STATEMENT IN THE APPLICATION FOR  
APPOINTMENT OR A CERTIFICATION OF COMPLETION OF ADDITIONAL

1 TRAINING OR SUBMITTING AN APPLICATION FOR APPOINTMENT OR A  
2 CERTIFICATION FOR COMPLETION OF ADDITIONAL TRAINING  
3 CONTAINING A FALSE OR MISLEADING STATEMENT.

4 (4) CARRYING OR POSSESSING A FIREARM IN THE PERFORMANCE  
5 OF HIS OR HER DUTIES WITHOUT CERTIFICATION PURSUANT TO  
6 SECTION 3712 (RELATING TO LIMITATION ON POSSESSION OF  
7 FIREARMS).

8 (5) THE INDIVIDUAL HAS CONDUCTED HIS OR HER AUTHORITY TO  
9 ENFORCE ANIMAL CRUELTY LAWS IN A MANNER THAT IS SUBSTANDARD  
10 OF CONDUCT NORMALLY EXPECTED OF POLICE OFFICERS.

11 (B) NOTICE TO DEPARTMENT.--UPON ACTION BY THE COURT OF  
12 COMMON PLEAS TO REFUSE, SUSPEND, REVOKE, LIMIT OR RESTRICT AN  
13 APPOINTMENT, THE CLERK OF COURTS OF THE COUNTY SHALL FORWARD  
14 SUCH INFORMATION TO THE DEPARTMENT FOR THE PURPOSE OF THE  
15 STATEWIDE REGISTRY ESTABLISHED PURSUANT TO SECTION 3715  
16 (RELATING TO STATEWIDE REGISTRY).

17 (C) RESTORATION.--THE COURT OF COMMON PLEAS MAY RESTORE A  
18 SUSPENDED APPOINTMENT OF AN INDIVIDUAL IF THE INDIVIDUAL  
19 PROVIDES TO THE COURT EVIDENCE SUFFICIENT TO WARRANT RESTORATION  
20 AND THE COURT DETERMINES THE GROUNDS FOR SUSPENSION HAVE BEEN  
21 SATISFACTORILY CORRECTED AND THE INDIVIDUAL OTHERWISE QUALIFIES  
22 FOR APPOINTMENT. IN RESTORING THE APPOINTMENT, THE COURT MAY  
23 CONTINUE TO IMPOSE LIMITATIONS AND CORRECTIVE MEASURES THE COURT  
24 DETERMINES TO BE NECESSARY TO ENSURE AN INDIVIDUAL'S COMPLIANCE  
25 WITH THE REQUIREMENTS OF THIS CHAPTER.

26 § 3708. TERMINATION OF APPOINTMENT.

27 (A) GENERAL RULE.--ALL POWERS AND AUTHORITY GRANTED TO AN  
28 INDIVIDUAL UNDER SECTION 3709 (RELATING TO POWERS AND AUTHORITY;  
29 JURISDICTION) SHALL IMMEDIATELY TERMINATE UPON NOTICE TO THE  
30 INDIVIDUAL FROM THE SOCIETY OR ASSOCIATION FOR WHICH APPOINTED

1 THAT SERVICES ARE NO LONGER REQUIRED OF THE INDIVIDUAL.

2 (B) NOTICE TO COURT.--THE SOCIETY OR ASSOCIATION MUST FILE  
3 NOTICE WITHIN TEN DAYS OF A TERMINATION OF AN INDIVIDUAL AS A  
4 HUMANE SOCIETY POLICE OFFICER WITH THE CLERK OF COURTS IN EACH  
5 COUNTY IN WHICH THE INDIVIDUAL HAS BEEN APPOINTED AS A HUMANE  
6 SOCIETY POLICE OFFICER.

7 (C) NOTICE TO DEPARTMENT.--THE SOCIETY OR ASSOCIATION MUST  
8 FILE NOTICE WITHIN TEN DAYS OF A TERMINATION OF AN INDIVIDUAL AS  
9 A HUMANE SOCIETY POLICE OFFICER WITH THE DEPARTMENT FOR THE  
10 PURPOSE OF PROVIDING INFORMATION RELEVANT TO THE STATEWIDE  
11 REGISTRY ESTABLISHED PURSUANT TO SECTION 3715 (RELATING TO  
12 STATEWIDE REGISTRY).

13 § 3709. POWERS AND AUTHORITY; JURISDICTION.

14 (A) AUTHORITY LIMITED TO COUNTY OF APPOINTMENT.--AN  
15 INDIVIDUAL APPOINTED AS A HUMANE SOCIETY POLICE OFFICER IN  
16 ACCORDANCE WITH THIS CHAPTER SHALL HAVE POWER AND AUTHORITY TO  
17 EXERCISE THE POWERS CONFERRED UNDER 18 PA.C.S. § 5511 (RELATING  
18 TO CRUELTY TO ANIMALS) IN ENFORCEMENT OF ANIMAL CRUELTY LAWS  
19 ONLY WITHIN THE PARTICULAR COUNTY WHOSE COURT OF COMMON PLEAS  
20 ISSUED THE APPOINTMENT. THE INDIVIDUAL HAS NO POWER OR AUTHORITY  
21 TO EXERCISE THE POWERS CONFERRED UNDER 18 PA.C.S. § 5511 IN ANY  
22 OTHER COUNTY WHOSE COURT OF COMMON PLEAS HAS NOT ISSUED AN  
23 APPOINTMENT.

24 (B) NOTICE TO DISTRICT ATTORNEY.--PRIOR TO EXERCISING THE  
25 POWER AND AUTHORITY SET FORTH BY THIS CHAPTER WITHIN A COUNTY,  
26 EACH APPOINTED HUMANE SOCIETY POLICE OFFICER SHALL FILE NOTICE  
27 ALONG WITH A COPY OF THE APPOINTMENT GRANTED UNDER THIS CHAPTER  
28 WITH THE DISTRICT ATTORNEY OF THE COUNTY.

29 (C) SHIELD.--EVERY INDIVIDUAL APPOINTED AS A HUMANE SOCIETY  
30 POLICE OFFICER UNDER THIS CHAPTER, WHEN ON DUTY, SHALL POSSESS A



1 METALLIC SHIELD WITH THE WORDS "HUMANE SOCIETY POLICE OFFICER"  
2 AND THE NAME OF THE SOCIETY OR ASSOCIATION FOR WHICH THE  
3 INDIVIDUAL IS APPOINTED DISPLAYED THEREON.

4 (D) PHOTO IDENTIFICATION.--EVERY INDIVIDUAL APPOINTED AS A  
5 HUMANE SOCIETY POLICE OFFICER UNDER THIS CHAPTER SHALL HAVE A  
6 PHOTO IDENTIFICATION CARD ISSUED BY THE DEPARTMENT THAT CONTAINS  
7 THE FOLLOWING:

8 (1) A PHOTO OF THE INDIVIDUAL TAKEN WITHIN THE PREVIOUS  
9 24 MONTHS.

10 (2) THE NAME OF THE INDIVIDUAL.

11 (3) THE SIGNATURE OF THE INDIVIDUAL.

12 (4) THE NAME OF THE SOCIETY OR ASSOCIATION FOR WHICH THE  
13 INDIVIDUAL IS APPOINTED AS A HUMANE SOCIETY POLICE OFFICER.

14 (5) THE ADDRESS AND TELEPHONE NUMBER OF THE SOCIETY OR  
15 ASSOCIATION FOR WHICH THE INDIVIDUAL IS APPOINTED AS A HUMANE  
16 SOCIETY POLICE OFFICER.

17 (6) THE DATE OF ISSUANCE OF THE PHOTO IDENTIFICATION  
18 CARD.

19 § 3710. PENALTIES.

20 (A) CRIMINAL PENALTIES.--A PERSON WHO VIOLATES THIS CHAPTER  
21 COMMITS A MISDEMEANOR OF THE THIRD DEGREE AND SHALL, UPON  
22 CONVICTION, BE SENTENCED TO PAY A FINE OF UP TO \$1,000 OR TO  
23 IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH.

24 (B) CIVIL PENALTIES.--IN ADDITION TO ANY CRIMINAL PENALTIES  
25 OR OTHER CIVIL REMEDY, A PERSON, ASSOCIATION OR SOCIETY WHO  
26 VIOLATES THIS CHAPTER MAY BE SUBJECT TO A CIVIL PENALTY OF UP TO  
27 \$1,000.

28 (C) DISPOSITION.--ALL FINES AND CIVIL PENALTIES IMPOSED IN  
29 ACCORDANCE WITH THIS SECTION SHALL BE PAID INTO THE ACCOUNT.

30 § 3711. 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 § 3712. LIMITATION ON POSSESSION OF FIREARMS.

8 NO INDIVIDUAL APPOINTED AS A HUMANE SOCIETY POLICE OFFICER  
9 SHALL CARRY, POSSESS OR USE A FIREARM IN THE PERFORMANCE OF THAT  
10 INDIVIDUAL'S DUTIES UNLESS THAT INDIVIDUAL HOLDS A CURRENT AND  
11 VALID CERTIFICATION IN THE USE AND HANDLING OF FIREARMS PURSUANT  
12 TO AT LEAST ONE OF THE FOLLOWING:

13 (1) 53 PA.C.S. CH 21 SUBCH. D (RELATING TO MUNICIPAL  
14 POLICE EDUCATION AND TRAINING).

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

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

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

23 § 3713. TRAINING PROGRAM.

24 (A) REQUIRED TRAINING.--EVERY INDIVIDUAL, PRIOR TO THE  
25 SOCIETY OR ASSOCIATION MAKING APPLICATION FOR APPOINTMENT AS A  
26 HUMANE SOCIETY POLICE OFFICER, SHALL SUCCESSFULLY COMPLETE THE  
27 MINIMUM REQUIREMENTS FOR INITIAL TRAINING PRESCRIBED IN THE  
28 PROGRAM FOR INITIAL TRAINING OF HUMANE SOCIETY POLICE OFFICERS  
29 ESTABLISHED IN ACCORDANCE WITH SUBSECTIONS (B), (C), (D) AND  
30 (E).

1 (B) CONTRACTS.--THE SECRETARY, WITH THE ADVICE OF THE BOARD,  
2 SHALL CONTRACT WITH AN ACCREDITED COLLEGE OR UNIVERSITY,  
3 INCLUDING A COMMUNITY COLLEGE OR OTHER PUBLIC OR PRIVATE ENTITY  
4 FOR THE ESTABLISHMENT OF A PROGRAM FOR THE TRAINING OF  
5 INDIVIDUALS TO ACT AS HUMANE SOCIETY POLICE OFFICERS. THE  
6 CONTRACTED ENTITY SHALL FORWARD INFORMATION PERTAINING TO AN  
7 INDIVIDUAL'S SUCCESSFUL COMPLETION OF THE INITIAL TRAINING  
8 PROGRAM TO THE DEPARTMENT FOR THE PURPOSE OF MAINTAINING THE  
9 STATEWIDE REGISTRY ESTABLISHED PURSUANT TO SECTION 3715  
10 (RELATING TO STATEWIDE REGISTRY).

11 (C) MINIMUM REQUIREMENTS.--THE PROGRAM FOR THE TRAINING OF  
12 HUMANE SOCIETY POLICE OFFICERS SHALL INCLUDE, AT A MINIMUM, 60  
13 HOURS OF INSTRUCTION IN ACCORDANCE WITH SUBSECTION (D).

14 (D) CURRICULUM.--THE PROGRAM FOR THE TRAINING OF HUMANE  
15 SOCIETY POLICE OFFICERS SHALL PROVIDE INSTRUCTION IN THE  
16 FOLLOWING INSTRUCTIONAL AREAS:

17 (1) AT LEAST 36 HOURS OF INSTRUCTION SHALL BE PROVIDED  
18 ON THE FOLLOWING:

19 (I) PENNSYLVANIA CRUELTY TO ANIMAL LAWS.

20 (II) PENNSYLVANIA RULES OF CRIMINAL PROCEDURE.

21 (III) CARE AND TREATMENT OF ANIMALS.

22 (IV) PROPER EXECUTION OF SEARCH WARRANTS.

23 (V) PROPER SEARCH AND SEIZURE PRACTICES.

24 (VI) ANY OTHER AREAS RELATING TO LAW ENFORCEMENT  
25 DUTIES.

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

28 (I) ANIMAL HUSBANDRY PRACTICES CONSTITUTING NORMAL  
29 AGRICULTURAL OPERATION.

30 (II) PRACTICES ACCEPTED IN THE AGRICULTURAL INDUSTRY

1           IN THE RAISING, KEEPING AND PRODUCTION OF AGRICULTURAL  
2           ANIMALS.

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

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

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

11       (E) FINAL EXAMINATION.--THE TRAINING PROGRAM SHALL REQUIRE  
12       INDIVIDUALS, AS A PREREQUISITE TO SUCCESSFUL COMPLETION OF THE  
13       PROGRAM, TO TAKE AND PASS A FINAL EXAMINATION THAT SUFFICIENTLY  
14       MEASURES THE INDIVIDUALS'S KNOWLEDGE AND UNDERSTANDING OF THE  
15       INSTRUCTIONAL MATERIAL.

16       (F) CURRENT OFFICERS.--INDIVIDUALS WHO HAVE BEEN APPOINTED  
17       AS HUMANE SOCIETY POLICE OFFICERS PRIOR TO THE EFFECTIVE DATE OF  
18       THIS CHAPTER ARE EXEMPT FROM THE INITIAL TRAINING REQUIREMENTS  
19       PURSUANT TO THIS SECTION PROVIDED THAT THE INDIVIDUAL CAN  
20       PROVIDE PROOF TO THE SECRETARY OF SUCCESSFUL COMPLETION OF A  
21       SIMILAR TRAINING PROGRAM FOR HUMANE SOCIETY POLICE OFFICERS  
22       ESTABLISHED UNDER THE ACT OF DECEMBER 12, 1994 (P.L.956,  
23       NO.135), KNOWN AS THE HUMANE SOCIETY POLICE OFFICER ENFORCEMENT  
24       ACT.

25       § 3714. CONTINUING EDUCATION PROGRAM.

26       (A) REQUIRED TRAINING.--DURING EACH TWO-YEAR PERIOD  
27       FOLLOWING THE DATE IN WHICH AN INDIVIDUAL HAS BEEN INITIALLY  
28       APPOINTED AS A HUMANE SOCIETY POLICE OFFICER, THE INDIVIDUAL  
29       SHALL SUCCESSFULLY COMPLETE THE MINIMUM REQUIREMENTS FOR  
30       ADDITIONAL TRAINING PRESCRIBED IN THE PROGRAM FOR CONTINUOUS

1 EDUCATION OF HUMANE SOCIETY POLICE OFFICERS ESTABLISHED IN  
2 ACCORDANCE WITH SUBSECTIONS (B), (C), (D) AND (E).

3 (B) CONTRACTS.--THE SECRETARY, WITH THE ADVICE OF THE BOARD,  
4 SHALL CONTRACT WITH AN ACCREDITED COLLEGE OR UNIVERSITY,  
5 INCLUDING A COMMUNITY COLLEGE, OR OTHER PUBLIC OR PRIVATE ENTITY  
6 FOR THE ESTABLISHMENT OF A CONTINUING EDUCATION PROGRAM FOR THE  
7 TRAINING OF INDIVIDUALS TO ACT AS HUMANE SOCIETY POLICE  
8 OFFICERS. THE CONTRACTED ENTITY SHALL FORWARD INFORMATION  
9 PERTAINING TO AN INDIVIDUAL'S SUCCESSFUL COMPLETION OF THE  
10 CONTINUING EDUCATION PROGRAM TO THE DEPARTMENT FOR THE PURPOSE  
11 OF MAINTAINING THE STATEWIDE REGISTRY ESTABLISHED PURSUANT TO  
12 SECTION 3715 (RELATING TO STATEWIDE REGISTRY.)

13 (C) MINIMUM REQUIREMENTS.--THE CONTINUING EDUCATION PROGRAM  
14 FOR THE TRAINING OF HUMANE SOCIETY POLICE OFFICERS SHALL  
15 INCLUDE, AT A MINIMUM, TEN HOURS OF INSTRUCTION IN ACCORDANCE  
16 WITH SUBSECTION (D).

17 (D) CURRICULUM.--THE PROGRAM FOR THE TRAINING OF HUMANE  
18 SOCIETY POLICE OFFICERS SHALL PROVIDE INSTRUCTION IN THE  
19 FOLLOWING INSTRUCTIONAL AREAS:

20 (1) AT LEAST SIX HOURS OF INSTRUCTION SHALL BE PROVIDED  
21 ON THE FOLLOWING:

22 (I) PENNSYLVANIA CRUELTY TO ANIMALS LAWS.

23 (II) PENNSYLVANIA RULES OF CRIMINAL PROCEDURE.

24 (III) CARE AND TREATMENT OF ANIMALS.

25 (IV) PROPER COMPLETION OF SEARCH WARRANTS.

26 (V) PROPER SEARCH AND SEIZURE PRACTICES.

27 (VI) ANY OTHER AREAS RELATING TO LAW ENFORCEMENT  
28 DUTIES.

29 (2) AT LEAST FOUR HOURS OF INSTRUCTION SHALL BE PROVIDED  
30 ON THE FOLLOWING:

1 (I) ANIMAL HUSBANDRY PRACTICES CONSTITUTING NORMAL  
2 AGRICULTURAL OPERATION.

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

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

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

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

14 (E) AUTOMATIC SUSPENSION.--FAILURE TO COMPLETE THE  
15 CONTINUING EDUCATION PROGRAM AS PRESCRIBED IN SUBSECTION (A)  
16 SHALL RESULT IN AN INDIVIDUAL'S AUTOMATIC SUSPENSION OF THE  
17 POWERS AND AUTHORITY SET FORTH IN SECTION 3709 (RELATING TO  
18 POWERS AND AUTHORITY; JURISDICTION) UNTIL SUCH TIME AS THE  
19 INDIVIDUAL SUCCESSFULLY COMPLETES THE CONTINUING EDUCATION  
20 REQUIREMENTS.

21 § 3715. STATEWIDE REGISTRY.

22 (A) ESTABLISHMENT.--THERE IS HEREBY ESTABLISHED A STATEWIDE  
23 REGISTRY WITHIN THE DEPARTMENT FOR THE PURPOSE OF MAINTAINING  
24 INFORMATION RELATING TO INDIVIDUALS APPOINTED AS HUMANE SOCIETY  
25 POLICE OFFICERS.

26 (B) ACCESS TO REGISTRY.--THE INFORMATION INCLUDED WITHIN THE  
27 STATEWIDE REGISTRY SHALL BE MADE ACCESSIBLE TO THE PUBLIC  
28 THROUGH THE DEPARTMENT'S WORLD WIDE WEB SITE AND SHALL INCLUDE  
29 THE FOLLOWING:

30 (1) THE NAME OF EACH INDIVIDUAL APPOINTED AS A HUMANE

1 SOCIETY POLICE OFFICER.

2 (2) THE NAME AND ADDRESS OF THE SOCIETY OR ASSOCIATION  
3 FOR WHICH EACH INDIVIDUAL IS APPOINTED AS A HUMANE SOCIETY  
4 POLICE OFFICER.

5 (3) THE COUNTIES IN WHICH THE INDIVIDUAL HAS BEEN  
6 APPOINTED AS A HUMANE SOCIETY POLICE OFFICER AND DATES OF  
7 APPOINTMENT.

8 (4) THE COUNTIES IN WHICH THE INDIVIDUAL HAS HAD AN  
9 APPOINTMENT REVOKED, SUSPENDED, LIMITED OR RESTRICTED, THE  
10 ACTION TAKEN BY THE COURT AND DATES OF ACTION.

11 (5) THE DATES OF SUCCESSFUL COMPLETION OF THE TRAINING  
12 PROGRAM ESTABLISHED IN SECTION 3713 (RELATING TO TRAINING  
13 PROGRAM) AND THE CONTINUING EDUCATION PROGRAM ESTABLISHED IN  
14 SECTION 3714 (RELATING TO CONTINUING EDUCATION PROGRAM).

15 (C) UPDATES.--THE DEPARTMENT SHALL UPDATE THE REGISTRY  
16 WITHIN TEN DAYS OF RECEIVING INFORMATION REQUIRED FOR INCLUSION  
17 ON THE STATEWIDE REGISTRY.

18 (D) CONFIDENTIAL INFORMATION.--AT NO TIME SHALL THE HOME  
19 ADDRESS OR ANY OTHER RELATED PERSONAL INFORMATION OF AN  
20 INDIVIDUAL APPOINTED AS A HUMANE SOCIETY POLICE OFFICE BE MADE  
21 PUBLIC THROUGH THE STATEWIDE REGISTRY.

22 § 3716. HUMANE SOCIETY POLICE OFFICER ADVISORY BOARD.

23 (A) ADVISORY BOARD.--THE SECRETARY SHALL APPOINT A HUMANE  
24 SOCIETY POLICE OFFICER ADVISORY BOARD TO ADVISE HIM IN THE  
25 ADMINISTRATION OF THIS CHAPTER.

26 (B) MEMBERSHIP.--THE BOARD SHALL CONSIST OF THE FOLLOWING:

27 (1) THE SECRETARY OR HIS DESIGNEE, WHO SHALL ACT AS A  
28 CHAIRMAN.

29 (2) A REPRESENTATIVE OF A SOCIETY OR ASSOCIATION FOR THE  
30 PREVENTION OF CRUELTY TO ANIMALS.

1 (3) A HUMANE SOCIETY POLICE OFFICER.

2 (4) A REPRESENTATIVE OF A STATEWIDE VETERINARY MEDICAL  
3 ASSOCIATION.

4 (5) A REPRESENTATIVE OF A FARM ORGANIZATION.

5 (6) A DISTRICT ATTORNEY OR HIS DESIGNEE.

6 (7) A REPRESENTATIVE OF THE POLICE.

7 (8) A DISTRICT JUSTICE.

8 (9) A COURT OF COMMON PLEAS JUDGE OR HIS DESIGNEE.

9 (10) A CLERK OF COURTS.

10 (C) TERMS.--THE LENGTH OF THE INITIAL TERM OF EACH  
11 APPOINTMENT TO THE BOARD SHALL BE SET BY THE SECRETARY AND SHALL  
12 BE STAGGERED SO THAT THE TERMS OF APPROXIMATELY ONE-THIRD OF THE  
13 APPOINTMENTS EXPIRE EVERY OTHER YEAR.

14 (D) ABSENCES.--THREE CONSECUTIVE UNEXCUSED ABSENCES FROM  
15 REGULAR BOARD MEETINGS OR FAILURE TO ATTEND AT LEAST 50% OF THE  
16 REGULARLY SCHEDULED BOARD MEETINGS IN ANY CALENDAR YEAR SHALL BE  
17 CONSIDERED CAUSE FOR TERMINATION OF APPOINTMENT UNLESS THE  
18 SECRETARY, UPON WRITTEN REQUEST OF THE MEMBER, FINDS THAT THE  
19 MEMBER SHOULD BE EXCUSED FROM ATTENDING A MEETING BECAUSE OF  
20 ILLNESS OR DEATH OF A FAMILY MEMBER OR FOR A SIMILAR EMERGENCY.

21 (E) VACANCIES.--VACANCIES IN THE MEMBERSHIP OF THE BOARD  
22 SHALL BE FILLED FOR THE BALANCE OF AN UNEXPIRED TERM IN THE SAME  
23 MANNER AS THE ORIGINAL APPOINTMENT.

24 (F) RECOMMENDATIONS.--THE BOARD MAY MAKE NONBINDING  
25 RECOMMENDATIONS TO THE SECRETARY ON ALL MATTERS RELATED TO THE  
26 PROVISIONS OF THIS CHAPTER.

27 § 3717. HUMANE SOCIETY POLICE OFFICER ACCOUNT.

28 (A) ESTABLISHMENT.--THERE IS HEREBY ESTABLISHED THE HUMANE  
29 SOCIETY POLICE OFFICER ACCOUNT, A SPECIAL RESTRICTED ACCOUNT  
30 WITHIN THE GENERAL FUND.



(B) SOURCES.--ALL MONEY PAID INTO THE STATE TREASURY UNDER THE PROVISIONS OF THIS CHAPTER, INCLUDING, BUT NOT LIMITED TO, FEES, FINES, PENALTIES AND SURCHARGES, SHALL BE PAID INTO THE HUMANE SOCIETY POLICE OFFICER ACCOUNT.

(C) PURPOSE.--THE DEPARTMENT SHALL USE THE FUNDS IN THE ACCOUNT FOR THE FOLLOWING:

(1) ALL EXPENSES OF THE SECRETARY AND THE DEPARTMENT IN ADMINISTERING THEIR DUTIES UNDER THIS CHAPTER.

(2) ALL PAYMENTS FOR PROMOTIONAL AND EDUCATIONAL ACTIVITIES.

(3) ALL TRAINING AND CONTINUING EDUCATION REQUIRED UNDER SECTIONS 3713 (RELATING TO TRAINING PROGRAM) AND 3714 (RELATING TO CONTINUING EDUCATION PROGRAM).

§ 3718. COSTS.

(A) LEVY AND IMPOSITION.--IN ADDITION TO ANY FINES, FEES OR OTHER PENALTIES LEVIED OR IMPOSED UNDER THIS CHAPTER OR ANY OTHER STATUTE, A COST OF \$50 SHALL BE IMPOSED UPON CONVICTION FOR ANY VIOLATION OF 18 PA.C.S. § 5511 (RELATING TO CRUELTY TO ANIMALS) OTHER THAN A SUMMARY OFFENSE. COSTS COLLECTED UNDER THIS SUBSECTION SHALL BE DISPOSED OF IN ACCORDANCE WITH SUBSECTION (B).

(B) DISPOSITION.--NOTWITHSTANDING THE PROVISIONS OF 42 PA.C.S. §§ 3571 (RELATING TO COMMONWEALTH PORTION OF FINES, ETC.) AND 3573 (RELATING TO MUNICIPAL CORPORATION PORTION OF FINES, ETC.), ALL COSTS IMPOSED AND COLLECTED UNDER SUBSECTION (A) BY A DIVISION OF THE UNIFIED JUDICIAL SYSTEM EXISTING UNDER SECTION 1 OF ARTICLE V OF THE CONSTITUTION OF PENNSYLVANIA AND 42 PA.C.S. § 301 (RELATING TO UNIFIED JUDICIAL SYSTEM) SHALL BE REMITTED TO THE COMMONWEALTH FOR DEPOSIT IN THE HUMANE SOCIETY POLICE OFFICER ACCOUNT ESTABLISHED PURSUANT TO SECTION 3717

1 (RELATING TO HUMANE SOCIETY POLICE OFFICER ACCOUNT). THE COSTS  
2 COLLECTED UNDER SUBSECTION (A) SHALL NOT BE USED FOR ANY OTHER  
3 PURPOSE.

4 § 3719. APPLICABILITY TO CURRENTLY APPOINTED INDIVIDUALS.

5 ANY INDIVIDUAL APPOINTED PRIOR TO THE EFFECTIVE DATE OF THIS  
6 CHAPTER AS A HUMANE SOCIETY POLICE OFFICER IN THE COUNTY OF THE  
7 REGISTERED OFFICE OF THE SOCIETY OR ASSOCIATION FOR WHICH THE  
8 INDIVIDUAL WAS PREVIOUSLY APPOINTED SHALL NOT BE REQUIRED TO  
9 APPLY FOR APPOINTMENT BY THE COURT OF COMMON PLEAS IN THAT  
10 COUNTY UNDER THIS CHAPTER. SUCH INDIVIDUAL SHALL BE REQUIRED TO  
11 APPLY FOR APPOINTMENT PURSUANT TO SECTION 3704 (RELATING TO  
12 APPOINTMENT BY NONPROFIT CORPORATIONS) IN EACH COUNTY OTHER THAN  
13 THE INITIAL COUNTY OF APPOINTMENT IF DIRECTED BY THE SOCIETY OR  
14 ASSOCIATION.

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

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