
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 REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 19, 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; establishing the Humane Society
7 Police Officer Advisory Board and the Humane Society Police
8 Officer Account; and making a related repeal.

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

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

13 § 501. Appointment by nonprofit corporations.

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

1 3702. Definitions.

2 3703. Appointment required.

3 3704. Appointment by nonprofit corporations.

4 3705. Qualifications for appointment.

5 ~~3706. Temporary appointment.~~ <—

6 ~~3707. Suspension, revocation, limitation and~~

7 ~~restriction of appointment; restoration of appointment.~~

8 ~~3708. Termination of appointment.~~

9 ~~3709. Powers and authority; jurisdiction.~~

10 ~~3710. Penalties.~~

11 ~~3711. Search warrants.~~

12 ~~3712. Limitation on possession of firearms.~~

13 ~~3713. Training program.~~

14 ~~3714. Continuing education program.~~

15 ~~3715. Statewide registry.~~

16 ~~3716. Humane Society Police Officer Advisory Board.~~

17 ~~3717. Humane Society Police Officer Account.~~

18 ~~3718. Costs.~~

19 ~~3719. Applicability to currently appointed individuals.~~

20 3706. SUSPENSION, REVOCATION, LIMITATION AND <—

21 RESTRICTION OF APPOINTMENT; RESTORATION OF APPOINTMENT.

22 3707. TERMINATION OF APPOINTMENT.

23 3708. POWERS AND AUTHORITY; JURISDICTION.

24 3709. PENALTIES.

25 3710. SEARCH WARRANTS.

26 3711. LIMITATION ON POSSESSION OF FIREARMS.

27 3712. TRAINING PROGRAM.

28 3713. CONTINUING EDUCATION PROGRAM.

29 3714. STATEWIDE REGISTRY.

30 3715. HUMANE SOCIETY POLICE OFFICER ADVISORY BOARD.

1 3716. HUMANE SOCIETY POLICE OFFICER ACCOUNT.

2 3717. COSTS.

3 3718. APPLICABILITY TO CURRENTLY APPOINTED INDIVIDUALS.

4 § 3701. Scope of chapter.

5 This chapter deals with humane society police officers.

6 § 3702. Definitions.

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

10 "Account." The Humane Society Police Officer Account
11 established in section ~~3717~~ 3716 (relating to Humane Society
12 Police Officer Account).

<—

13 "Agricultural animal." Any bovine animal, equine animal,
14 sheep, goat, pig, poultry, bird, fowl, wild or semiwild animal
15 or fish or other aquatic animal that is being raised, kept,
16 transported or utilized for the purpose of or pursuant to
17 agricultural production.

18 "Agricultural production." The production and preparation
19 for market of agricultural animals and their products and of
20 agricultural, agronomic, horticultural, silvicultural and
21 aquacultural crops and commodities.

22 "Board." The Humane Society Police Officer Advisory Board.

23 "Complainant." Any person who has evidence that an
24 individual appointed as a humane society police officer has
25 performed in a manner that is contrary to the standards,
26 requirements and qualifications prescribed in this chapter for
27 appointment of individuals as humane society police officers.
28 The term also includes a district attorney or a municipal
29 solicitor.

30 "Convicted." A finding or verdict of guilt, an admission of

1 guilt or a plea of nolo contendere or receiving probation
2 without verdict, disposition in lieu of trial or an Accelerated
3 Rehabilitative Disposition in the disposition of felony charges.

4 "Cruelty to animals laws." The provisions of 18 Pa.C.S. §
5 5511 (relating to cruelty to animals).

6 "Department." The Department of Agriculture of the
7 Commonwealth.

8 "Humane society police officer." Any person who holds a
9 current appointment under this chapter to act as a humane
10 society police officer for a society or association for the
11 prevention of cruelty to animals. The term shall include an
12 individual who is an agent of a society or association for the
13 prevention of cruelty to animals as "agent" is used in 18
14 Pa.C.S. § 5511 (relating to cruelty to animals) provided that
15 individual holds a current appointment under this chapter.

16 "Secretary." The Secretary of Agriculture of the
17 Commonwealth.

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

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

24 § 3703. Appointment required.

25 It shall be unlawful for any individual to hold himself forth
26 as a humane society police officer unless the individual has
27 obtained an appointment pursuant to this chapter.

28 § 3704. Appointment by nonprofit corporations.

29 (a) Application for appointment.--A society or association
30 may apply to the court of common pleas in a ANY county for the

<—

1 appointment of an individual as a humane society police officer
2 for that county. The court, upon such application WHICH INCLUDES <—
3 PROOF OF QUALIFICATION UNDER SECTION 3705 (RELATING TO
4 QUALIFICATIONS FOR APPOINTMENT), shall by order appoint such
5 person to be a humane society police officer.

6 (b) Oath.--Every individual appointed as a humane society
7 police officer pursuant to this chapter shall, before entering
8 upon the duties of the office, take and subscribe to the oath
9 required by Article VI of the Constitution of Pennsylvania.

10 § 3705. Qualifications for appointment.

11 An individual shall be qualified for an appointment as a
12 humane society police officer provided the society or
13 association submits proof satisfactory to the court of common
14 pleas in each county for which the society or association
15 directs the individual to act as a humane society police officer
16 that the individual meets all of the following requirements:

17 (1) Has been a resident of this Commonwealth for the
18 previous 12 months.

19 (2) Has successfully completed the training program
20 established pursuant to section ~~3713~~ 3712 (relating to <—
21 training program).

22 (3) Has obtained a criminal history report from the
23 Pennsylvania State Police pursuant to 18 Pa.C.S. Ch. 91
24 (relating to criminal history record information) or a
25 statement from the Pennsylvania State Police that the
26 Pennsylvania State Police central repository contains no
27 pertinent information relating to the individual who is the
28 subject of the application. The criminal history record
29 information shall be limited to that which may be
30 disseminated pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to

1 general regulations).

2 (4) Has not been convicted of an offense graded a felony
3 or a serious misdemeanor.

4 (5) Has not been convicted of any violation, including a
5 summary offense, of 18 Pa.C.S. § 5511 (relating to cruelty to
6 animals).

7 (6) Has not been convicted of an offense in another
8 jurisdiction, state, territory or country in accordance with
9 the laws of that jurisdiction, state, territory or country
10 equivalent to an offense graded a felony or a serious
11 misdemeanor or an offense of cruelty to animals.

12 ~~§ 3706. Temporary appointment.~~

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13 ~~(a) Qualifications. A society or association may petition a~~
14 ~~court of common pleas in a county for temporary appointment of~~
15 ~~an individual as a humane society police officer in that county,~~
16 ~~provided that no other individual is currently appointed to act~~
17 ~~as a humane society police officer from the society or~~
18 ~~association and the individual meets all of the following~~
19 ~~requirements:~~

20 ~~(1) Has been a resident of this Commonwealth for the~~
21 ~~previous 12 months.~~

22 ~~(2) Holds a current appointment granted under this~~
23 ~~chapter in another county located within this Commonwealth.~~

24 ~~(3) Has obtained a criminal history report from the~~
25 ~~Pennsylvania State Police pursuant to 18 Pa.C.S. Ch. 91~~
26 ~~(relating to criminal history record information) or a~~
27 ~~statement from the Pennsylvania State Police that the~~
28 ~~Pennsylvania State Police central repository contains no~~
29 ~~pertinent information relating to the individual who is the~~
30 ~~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
society or association at any time.~~

~~§ 3707~~ 3706. 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,
after conducting a hearing, 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

1 in any Federal or State court or being convicted of the
2 equivalent of a felony in any foreign country, territory or
3 possession.

4 (2) Being convicted of an offense of cruelty to animals
5 in any Federal or State court or being convicted of the
6 equivalent of a cruelty to animals offense in any foreign
7 country, territory or possession.

8 (3) Presenting false credentials or documents or making
9 a false or misleading statement in the application for
10 appointment or a certification of completion of additional
11 training or submitting an application for appointment or a
12 certification for completion of additional training
13 containing a false or misleading statement.

14 (4) Carrying or possessing a firearm in the performance
15 of his or her duties without certification pursuant to
16 section ~~3712~~ 3711 (relating to limitation on possession of <—
17 firearms).

18 (5) The individual has conducted his or her authority to
19 enforce animal cruelty laws in a manner that is substandard
20 of conduct normally expected of humane society police
21 officers.

22 (b) Notice to department.--Upon action by the court of
23 common pleas to ~~refuse~~, suspend, revoke, limit or restrict an <—
24 appointment, the clerk of courts of the county shall forward
25 such information to the department for the purpose of the
26 Statewide registry established pursuant to section ~~3715~~ 3714 <—
27 (relating to Statewide registry).

28 (c) Restoration.--The court of common pleas may restore a
29 suspended appointment of an individual if the individual
30 provides to the court evidence sufficient to warrant restoration

1 and the court determines the grounds for suspension have been
2 satisfactorily corrected and the individual otherwise qualifies
3 for appointment. ~~In restoring the appointment, the court may~~ <—
4 ~~continue to impose limitations and corrective measures the court~~
5 ~~determines to be necessary to ensure an individual's compliance~~
6 ~~with the requirements of this chapter.~~

7 § ~~3708~~ 3707. Termination of appointment. <—

8 (a) General rule.--All powers and authority granted to an
9 individual under section ~~3709~~ 3708 (relating to powers and <—
10 authority; jurisdiction) shall immediately terminate upon notice
11 to the individual from the society or association for which
12 appointed that services are no longer required of the
13 individual.

14 (b) Notice to court.--The society or association must file
15 notice within ten days of a termination of an individual as a
16 humane society police officer with the clerk of courts in each
17 county in which the individual has been appointed as a humane
18 society police officer.

19 (c) Notice to department.--The society or association must
20 file notice within ten days of a termination of an individual as
21 a humane society police officer with the department for the
22 purpose of providing information relevant to the Statewide
23 registry established pursuant to section ~~3715~~ 3714 (relating to <—
24 Statewide registry).

25 § ~~3709~~ 3708. Powers and authority; jurisdiction. <—

26 (a) Authority limited to county of appointment.--An
27 individual appointed as a humane society police officer in
28 accordance with this chapter shall have power and authority to
29 exercise the powers conferred under 18 Pa.C.S. § 5511 (relating
30 to cruelty to animals) in enforcement of animal cruelty laws

1 only within the particular county whose court of common pleas
2 issued the appointment. The individual has no power or authority
3 to exercise the powers conferred under 18 Pa.C.S. § 5511 in any
4 other county whose court of common pleas has not issued an
5 appointment.

6 (b) Notice to district attorney.--Prior to exercising the
7 power and authority set forth by this chapter within a county,
8 each appointed humane society police officer shall file notice
9 along with a copy of the appointment granted under this chapter
10 with the district attorney of the county.

11 (c) Shield.--Every individual appointed as a humane society
12 police officer under this chapter shall possess a metallic
13 shield with the words "humane society police officer" and the
14 name of the society or association for which the individual is
15 appointed displayed thereon.

16 (d) Photo identification.--Every individual appointed as a
17 humane society police officer under this chapter shall have a
18 photo identification card issued by the department that contains
19 the following:

20 (1) A photo of the individual taken within the previous
21 24 months.

22 (2) The name of the individual.

23 (3) The signature of the individual.

24 (4) The name of the society or association for which the
25 individual is appointed as a humane society police officer.

26 (5) The address and telephone number of the society or
27 association for which the individual is appointed as a humane
28 society police officer.

29 (6) The date of issuance of the photo identification
30 card.

1 § ~~3710~~ 3709. Penalties. <—

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

6 (b) Civil penalties.--In addition to any criminal penalties
7 or other civil remedy, a person, association or society who
8 violates this chapter may be subject to a civil penalty of up to
9 \$1,000.

10 (c) Disposition.--All fines and civil penalties imposed in
11 accordance with this section shall be paid into the account.

12 § ~~3711~~ 3710. Search warrants. <—

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

19 § ~~3712~~ 3711. Limitation on possession of firearms. <—

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

25 (1) 53 Pa.C.S. Ch 21 Subch. D (relating to municipal
26 police education and training).

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

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

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

5 § ~~3713~~ 3712. Training program.

<—

6 (a) Required training.--Every individual, prior to the
7 society or association making application for appointment as a
8 humane society police officer, shall successfully complete the
9 minimum requirements for initial training prescribed in the
10 program for initial training of humane society police officers
11 established in accordance with subsections (b), (c), (d) and
12 (e).

13 (b) Contracts.--The secretary, with the advice of the board,
14 shall contract with an accredited college or university,
15 including a community college or other public or private entity
16 for the establishment of a program for the training of
17 individuals to act as humane society police officers. The
18 contracted entity shall forward information pertaining to an
19 individual's successful completion of the initial training
20 program to the department for the purpose of maintaining the
21 Statewide registry established pursuant to section ~~3715~~ 3714
22 (relating to Statewide registry).

<—

23 (c) Minimum requirements.--The program for the training of
24 humane society police officers shall include, at a minimum, 60
25 hours of instruction in accordance with subsection (d).

26 (d) Curriculum.--The program for the training of humane
27 society police officers shall provide instruction in the
28 following instructional areas:

29 (1) At least 36 hours of instruction shall be provided
30 on the following:

- (i) Pennsylvania cruelty to animal laws.
- (ii) Pennsylvania Rules of Criminal Procedure.
- (iii) Care and treatment of animals.
- (iv) Proper execution of search warrants.
- (v) Proper search and seizure practices.
- (vi) Any other areas relating to law enforcement duties.

(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 animal 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.

(e) Final examination.--The training program shall require individuals, as a prerequisite to successful completion of the program, to take and pass a final examination that sufficiently measures the individuals's knowledge and understanding of the instructional material.

(f) Current officers.--Individuals who have been appointed as humane society police officers prior to the effective date of this chapter are exempt from the initial training requirements

1 pursuant to this section provided that the individual can
2 provide proof to the secretary of successful completion of a
3 similar training program for humane society police officers
4 established under the act of December 12, 1994 (P.L.956,
5 No.135), known as the Humane Society Police Officer Enforcement
6 Act.

7 § ~~3714~~ 3713. Continuing education program. <—

8 (a) Required training.--During each two-year period
9 following the date in which an individual has been initially
10 appointed as a humane society police officer, the individual
11 shall successfully complete the minimum requirements for
12 additional training prescribed in the program for continuous
13 education of humane society police officers established in
14 accordance with subsections (b), (c), (d) and (e).

15 (b) Contracts.--The secretary, with the advice of the board,
16 shall contract with an accredited college or university,
17 including a community college, or other public or private entity
18 for the establishment of a continuing education program for the
19 training of individuals to act as humane society police
20 officers. The contracted entity shall forward information
21 pertaining to an individual's successful completion of the
22 continuing education program to the department for the purpose
23 of maintaining the Statewide registry established pursuant to
24 section ~~3715~~ 3714 (relating to Statewide registry.) <—

25 (c) Minimum requirements.--The continuing education program
26 for the training of humane society police officers shall
27 include, at a minimum, ten hours of instruction in accordance
28 with subsection (d).

29 (d) Curriculum.--The program for the training of humane
30 society police officers shall provide instruction in the

1 following instructional areas:

2 (1) At least six hours of instruction shall be provided
3 on the following:

4 (i) Pennsylvania cruelty to animals laws.

5 (ii) Pennsylvania Rules of Criminal Procedure.

6 (iii) Care and treatment of animals.

7 (iv) Proper completion of search warrants.

8 (v) Proper search and seizure practices.

9 (vi) Any other areas relating to law enforcement
10 duties.

11 (2) At least four 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 (e) Automatic suspension.--Failure to complete the
27 continuing education program as prescribed in subsection (a)
28 shall result in an individual's automatic suspension of the
29 powers and authority set forth in section ~~3709~~ 3708 (relating to <—
30 powers and authority; jurisdiction) until such time as the

1 individual successfully completes the continuing education
2 requirements.

3 § ~~3715~~ 3714. Statewide registry. <—

4 (a) Establishment.--There is hereby established a Statewide
5 registry within the department for the purpose of maintaining
6 information relating to individuals appointed as humane society
7 police officers.

8 (b) Access to registry.--The information included within the
9 Statewide registry shall be made accessible to the public
10 through the department's World Wide Web site and shall include
11 the following:

12 (1) The name of each individual appointed as a humane
13 society police officer.

14 (2) The name and address of the society or association
15 for which each individual is appointed as a humane society
16 police officer.

17 (3) The counties in which the individual has been
18 appointed as a humane society police officer and dates of
19 appointment.

20 (4) The counties in which the individual has had an
21 appointment revoked, suspended, limited or restricted, the
22 action taken by the court and dates of action.

23 (5) The dates of successful completion of the training
24 program established in section ~~3713~~ 3712 (relating to <—
25 training program) and the continuing education program
26 established in section ~~3714~~ 3713 (relating to continuing <—
27 education program).

28 (c) Updates.--The department shall update the registry
29 within ten days of receiving information required for inclusion
30 on the Statewide registry.

1 (d) Confidential information.--At no time shall the home
2 address or any other related personal information of an
3 individual appointed as a humane society police officer be made
4 public through the Statewide registry.

5 § ~~3716~~ 3715. Humane Society Police Officer Advisory Board. <—

6 (a) Advisory board.--The secretary shall appoint a Humane
7 Society Police Officer Advisory Board to advise him in the
8 administration of this chapter.

9 (b) Membership.--The board shall consist of the following:

10 (1) The secretary or his designee, who shall act as a
11 chairman.

12 (2) A representative of a society or association for the
13 prevention of cruelty to animals.

14 (3) A humane society police officer.

15 (4) A representative of a Statewide veterinary medical
16 association.

17 (5) A representative of a farm organization.

18 (6) A district attorney or his designee.

19 (7) A representative of the police.

20 (8) A district justice.

21 (9) A court of common pleas judge or his designee.

22 (10) A clerk of courts.

23 (11) A REPRESENTATIVE OF THE PENNSYLVANIA GAME
24 COMMISSION. <—

25 (c) Terms.--The length of the initial term of each
26 appointment to the board shall be set by the secretary and shall
27 be staggered so that the terms of approximately one-third of the
28 appointments expire every other year.

29 (d) Absences.--Three consecutive unexcused absences from
30 regular board meetings or failure to attend at least 50% of the

1 regularly scheduled board meetings in any calendar year shall be
2 considered cause for termination of appointment unless the
3 secretary, upon written request of the member, finds that the
4 member should be excused from attending a meeting because of
5 illness or death of a family member or for a similar emergency.

6 (e) Vacancies.--Vacancies in the membership of the board
7 shall be filled for the balance of an unexpired term in the same
8 manner as the original appointment.

9 (f) Recommendations.--The board may make nonbinding
10 recommendations to the secretary on all matters related to the
11 provisions of this chapter.

12 § ~~3717~~ 3716. Humane Society Police Officer Account. <—

13 (a) Establishment.--There is hereby established the Humane
14 Society Police Officer Account, a special restricted account
15 within the General Fund.

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

20 (c) Purpose.--The department shall use the funds in the
21 account for the following:

22 (1) All expenses of the secretary and the department in
23 administering their duties under this chapter.

24 (2) All payments for promotional and educational
25 activities.

26 (3) All training and continuing education required under
27 sections ~~3713 (relating to training program) and 3714~~ 3712 <—
28 (RELATING TO TRAINING PROGRAM) AND 3713 (relating to
29 continuing education program).

30 § ~~3718~~ 3717. Costs. <—

1 (a) Levy and imposition.--In addition to any fines, fees or
2 other penalties levied or imposed under this chapter or any
3 other statute, a cost of \$50 shall be imposed upon conviction
4 for any violation of 18 Pa.C.S. § 5511 (relating to cruelty to
5 animals) other than a summary offense. Costs collected under
6 this subsection shall be disposed of in accordance with
7 subsection (b).

8 (b) Disposition.--Notwithstanding the provisions of 42
9 Pa.C.S. §§ 3571 (relating to Commonwealth portion of fines,
10 etc.) and 3573 (relating to municipal corporation portion of
11 fines, etc.), all costs imposed and collected under subsection
12 (a) by a division of the unified judicial system existing under
13 section 1 of Article V of the Constitution of Pennsylvania and
14 42 Pa.C.S. § 301 (relating to unified judicial system) shall be
15 remitted to the Commonwealth for deposit in the Humane Society
16 Police Officer Account established pursuant to section ~~3717~~ 3716 <—
17 (relating to Humane Society Police Officer Account). The costs
18 collected under subsection (a) shall not be used for any other
19 purpose.

20 § ~~3719~~ 3718. Applicability to currently appointed individuals. <—

21 Any individual appointed prior to the effective date of this
22 chapter as a humane society police officer in the county of the
23 registered office of the society or association for which the
24 individual was previously appointed shall not be required to
25 apply for appointment by the court of common pleas in that
26 county under this chapter. Such individual shall be required to
27 apply for appointment pursuant to section 3704 (relating to
28 appointment by nonprofit corporations) in each county other than
29 the initial county of appointment if directed by the society or
30 association.

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

4 Section 4. This act shall take effect in 180 days.