

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1917 Session of 2017

INTRODUCED BY RYAN, CAUSER, COOK, COX, CUTLER, DAY, DIAMOND, GILLEN, HEFFLEY, JOZWIAK, KEEFER, M. K. KELLER, KNOWLES, MACKENZIE, MUSTIO, NELSON, RADER, SANKEY, TALLMAN, WARD, WARNER AND ZIMMERMAN, NOVEMBER 13, 2017

AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, DECEMBER 12, 2017

AN ACT

1 Amending Title 22 (Detectives and Private Police) of the
2 Pennsylvania Consolidated Statutes, in humane society police
3 officers, further providing for APPOINTMENT BY NONPROFIT <--
4 CORPORATIONS, FOR qualifications for appointment, for
5 suspension, revocation, limitation and restriction of
6 appointment and restoration of appointment, for training
7 program, for continuing education program and, for Statewide <--
8 registry, and providing for applicability of Right to Know <--
9 Law. AND FOR HUMANE SOCIETY POLICE OFFICER ADVISORY BOARD. <--

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

12 ~~Section 1. Sections 3705 and 3706(a) of Title 22 of the <--~~
13 ~~Pennsylvania Consolidated Statutes are amended by adding~~
14 ~~paragraphs to read:~~

15 SECTION 1. SECTION 3704 OF TITLE 22 OF THE PENNSYLVANIA <--
16 CONSOLIDATED STATUTES IS AMENDED BY ADDING A SUBSECTION TO READ:
17 § 3704. APPOINTMENT BY NONPROFIT CORPORATIONS.

18 \* \* \*

19 (A.1) NOTICE TO DEPARTMENT.--UPON ACTION BY THE COURT OF
20 COMMON PLEAS TO ORDER AN APPOINTMENT, THE CLERK OF COURTS OF THE

1 COUNTY SHALL FORWARD SUCH INFORMATION TO THE DEPARTMENT FOR THE  
2 PURPOSE OF THE STATEWIDE REGISTRY ESTABLISHED UNDER SECTION 3714  
3 (RELATING TO STATEWIDE REGISTRY).

4 \* \* \*

5 SECTION 2. SECTIONS 3705 AND 3706(A) OF TITLE 22 ARE AMENDED  
6 BY ADDING PARAGRAPHS TO READ:

7 § 3705. Qualifications for appointment.

8 In order for an individual to be considered for appointment  
9 as a humane society police officer, the society or association  
10 must submit proof satisfactory to the court of common pleas and  
11 the district attorney in each county for which the society or  
12 association directs the individual to act as a humane society  
13 police officer that the individual:

14 \* \* \*

15 (7) Has not had an appointment as a humane society  
16 police officer revoked FOR CAUSE in another county or another <--  
17 state. <--

18 § 3706. Suspension, revocation, limitation and restriction of  
19 appointment; restoration of appointment.

20 (a) Grounds for suspension, revocation, limitation or  
21 restriction.--By its own action, on petition by a district  
22 attorney or pursuant to a written affidavit filed by a  
23 complainant, the court of common pleas may, after conducting a  
24 hearing, suspend, revoke, limit or restrict an appointment of an  
25 individual to act as a humane society police officer in the  
26 county if the court determines any of the following:

27 \* \* \*

28 (6) The individual is not a resident of this  
29 Commonwealth.

30 (7) The individual has had an appointment as a humane

1 society police officer revoked FOR CAUSE in another county or <--  
2 another state.

3 \* \* \*

4 ~~Section 2. Sections 3712(d) and 3713 of Title 22 are amended~~ <--  
5 ~~to read:~~

6 SECTION 3. SECTION 3712(B), (C), (D), AND (F) OF TITLE 22 <--  
7 ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO  
8 READ:

9 § 3712. Training program.

10 \* \* \*

11 (B) CONTRACTS.--THE SECRETARY, WITH THE ADVICE OF THE BOARD, <--  
12 SHALL CONTRACT WITH AN ACCREDITED COLLEGE OR UNIVERSITY,  
13 INCLUDING A COMMUNITY COLLEGE, OR OTHER PUBLIC OR PRIVATE  
14 ENTITY, FOR THE ESTABLISHMENT OF A PROGRAM FOR THE TRAINING OF  
15 INDIVIDUALS TO ACT AS HUMANE SOCIETY POLICE OFFICERS. THE  
16 CONTRACTED ENTITY SHALL FORWARD INFORMATION PERTAINING TO AN  
17 INDIVIDUAL'S SUCCESSFUL COMPLETION OF THE INITIAL TRAINING  
18 PROGRAM TO THE DEPARTMENT FOR THE PURPOSE OF MAINTAINING THE  
19 STATEWIDE REGISTRY ESTABLISHED PURSUANT TO SECTION 3714  
20 (RELATING TO STATEWIDE REGISTRY).

21 (C) MINIMUM REQUIREMENTS.--THE PROGRAM FOR THE TRAINING OF  
22 HUMANE SOCIETY POLICE OFFICERS SHALL INCLUDE AT A MINIMUM [60]  
23 80 HOURS OF INSTRUCTION IN ACCORDANCE WITH SUBSECTION (D).

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

27 (1) At least [36] ~~72~~ 40 hours of instruction shall be <--  
28 provided on the following:

29 (i) Pennsylvania cruelty to animal laws.

30 (ii) Pennsylvania Rules of Criminal Procedure.

1 (iii) [Care and treatment of animals.] Proper  
2 procedure for filing citations and warrants, including  
3 how and when to contact Federal, State or local law  
4 enforcement.

5 (iv) Proper execution of search warrants.

6 (v) Proper search and seizure practices.

7 (vi) Any other areas relating to law enforcement  
8 duties.

9 (2) At least [24] ~~48~~ 40 hours of instruction shall be <--  
10 provided on the following:

11 (i) Animal husbandry practices constituting normal  
12 agricultural operation.

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

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

19 (iv) Proper care, treatment and handling of  
20 agricultural and other animals pursuant to enforcement of  
21 the cruelty to animals laws.

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

24 (vi) Agricultural biosecurity protocols.

25 (vii) General farm orientation, SAFETY and security <--  
26 practices-, INCLUDING INSTRUCTION IN MEASURES FOR <--  
27 DISCOVERY OF CONDITIONS AND IMPLEMENTATION OF  
28 PRECAUTIONARY ACTIONS TO PREVENT HARM OR DAMAGE TO  
29 PERSONS, ANIMALS OR PROPERTY.

30 ~~(viii) Farm hazards, including protocols to be~~ <--

1 ~~performed by the humane society police officer in~~  
2 ~~detecting the presence of manure pits, silos,~~  
3 ~~agricultural pesticides and chemicals and other~~  
4 ~~conditions on farm premises that may cause serious harm~~  
5 ~~to health or safety of individuals or farm animals or~~  
6 ~~extensive damage to farm property and precautionary~~  
7 ~~measures to be taken for prevention of harm or damage.~~

8 ~~(ix) Farm and rural culture, including the high~~  
9 ~~priority that residents commonly place on protection of~~  
10 ~~property and the commonly perceived risk that~~  
11 ~~unanticipated entrants may pose to residents and~~  
12 ~~property, and protocols to be followed by the humane~~  
13 ~~society police officer in deescalating contentious~~  
14 ~~encounters with residents.~~

15 ~~(3) In conducting the training listed in paragraph (2),~~  
16 ~~the program of instruction shall include at least one on-site~~  
17 ~~visit to a ~~commercial farm~~ NORMAL AGRICULTURAL operation that <--~~  
18 ~~INCLUDES AGRICULTURAL ANIMALS AND is at least ten acres in <--~~  
19 ~~contiguous area.~~

20 \* \* \*

21 (F) CURRENT OFFICERS.--INDIVIDUALS WHO HAVE BEEN APPOINTED <--  
22 AS HUMANE SOCIETY POLICE OFFICERS PRIOR TO THE EFFECTIVE DATE OF  
23 THIS CHAPTER ARE EXEMPT FROM THE INITIAL TRAINING REQUIREMENTS  
24 PURSUANT TO THIS SECTION PROVIDED THAT THE INDIVIDUAL CAN  
25 PROVIDE PROOF TO THE SECRETARY OF SUCCESSFUL COMPLETION OF A  
26 SIMILAR TRAINING PROGRAM FOR HUMANE SOCIETY POLICE OFFICERS  
27 ESTABLISHED UNDER THE ACT OF DECEMBER 12, 1994 (P.L.956,  
28 NO.135), KNOWN AS THE HUMANE SOCIETY POLICE OFFICER ENFORCEMENT  
29 ACT. THIS SUBSECTION SHALL EXPIRE ON THE EFFECTIVE DATE OF  
30 SUBSECTION (F.1).

1     (F.1) EXEMPTION.--INDIVIDUALS WHO HAVE BEEN APPOINTED AS  
2 HUMANE SOCIETY POLICE OFFICERS AND HAVE SUCCESSFULLY COMPLETED  
3 INITIAL TRAINING UNDER THIS CHAPTER PRIOR TO JUNE 30, 2018,  
4 SHALL BE EXEMPT FROM THE INITIAL TRAINING REQUIREMENTS UNDER  
5 THIS SECTION PROVIDED THAT THE INDIVIDUAL CAN PROVIDE PROOF TO  
6 THE SECRETARY OF SUCCESSFUL COMPLETION OF CONTINUING EDUCATION  
7 TRAINING UNDER SECTION 3713 (RELATING TO CONTINUING EDUCATION  
8 PROGRAM) WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS  
9 SUBSECTION.

10     SECTION 4. SECTION 3713 OF TITLE 22 IS AMENDED TO READ:

11     § 3713. Continuing education program.

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

19     (b) Contracts.--

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

26         (2) The contracted entity shall forward information  
27 pertaining to an individual's successful completion of the  
28 continuing education program to the department for the  
29 purpose of maintaining the Statewide registry established  
30 pursuant to section 3714 (relating to Statewide registry.)

1 (c) Minimum requirements.--The continuing education program  
2 for the training of humane society police officers shall include  
3 at a minimum [ten] ~~20~~ 16 hours of instruction in accordance with <--  
4 subsection (d).

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

8 (1) At least [six] ~~12~~ EIGHT hours of instruction shall <--  
9 be provided on the following:

- 10 (i) Pennsylvania cruelty to animals laws.  
11 (ii) Pennsylvania Rules of Criminal Procedure.  
12 (iii) [Care and treatment of animals.] Proper  
13 procedure for filing citations and warrants, including  
14 how and when to contact Federal, State or local law  
15 enforcement.

- 16 (iv) Proper completion of search warrants.  
17 (v) Proper search and seizure practices.  
18 (vi) Any other areas relating to law enforcement  
19 duties.

20 (2) At least [four] eight hours of instruction shall be  
21 provided on the following:

- 22 (i) Animal husbandry practices constituting normal  
23 agricultural operation.  
24 (ii) Practices accepted in the agricultural industry  
25 in the raising, keeping and production of agricultural  
26 animals.  
27 (iii) Characteristics of agricultural animals likely  
28 evidencing care that is in violation of the cruelty to  
29 animals laws.  
30 (iv) Proper care, treatment and handling of

1 agricultural and other animals pursuant to enforcement of  
2 the cruelty to animals laws.

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

5 (vi) Agricultural biosecurity protocols.

6 (vii) General farm orientation, SAFETY and security <--  
7 practices, INCLUDING INSTRUCTION IN MEASURES FOR <--  
8 DISCOVERY OF CONDITIONS AND IMPLEMENTATION OF  
9 PRECAUTIONARY ACTIONS TO PREVENT HARM OR DAMAGE TO  
10 PERSONS, ANIMALS OR PROPERTY.

11 (viii) Farm hazards, including protocols to be <--  
12 performed by the humane society police officer in  
13 detecting the presence of manure pits, silos,  
14 agricultural pesticides and chemicals and other  
15 conditions on farm premises that may cause serious harm  
16 to health or safety of individuals or farm animals or  
17 extensive damage to farm property and precautionary  
18 measures to be taken for prevention of harm or damage.

19 (ix) Farm and rural culture, including the high  
20 priority that residents commonly place on protection of  
21 property and the commonly perceived risk that  
22 unanticipated entrants may pose to residents and  
23 property, and protocols to be followed by the humane  
24 society police officer in deescalating contentious  
25 encounters with residents.

26 (3) In conducting the training listed in paragraph (2),  
27 the program of instruction shall include at least one on-site  
28 visit to a ~~commercial farm~~ NORMAL AGRICULTURAL operation that <--  
29 INCLUDES AGRICULTURAL ANIMALS AND is at least ten acres in <--  
30 contiguous area.



1 (e) Automatic suspension.--

2 (1) Failure to complete the continuing education program  
3 as prescribed in subsection (a) shall result in an  
4 individual's automatic suspension of the powers and authority  
5 set forth in section 3708 (relating to powers and authority;  
6 jurisdiction) until such time as the individual successfully  
7 completes the continuing education requirements.

8 (2) The department shall notify, within one week of the  
9 suspension, the court of common pleas and district attorney  
10 of each county to which the individual is appointed as a  
11 humane society police officer of the suspension.

12 Section ~~3~~ 5. Section 3714 of Title 22 is amended by adding <--  
13 subsections to read:

14 § 3714. Statewide registry.

15 \* \* \*

16 (a.1) Inclusion in registry.--A humane society police  
17 officer shall make, upon appointment, an application to the  
18 department for inclusion in the registry on a form provided by  
19 the department. The application shall include confirmation of  
20 the appointment by the court of common pleas, proof of  
21 completion of the necessary education, AND a criminal history <--  
22 report from the Pennsylvania State Police under 18 Pa.C.S. Ch.  
23 91 (relating to criminal history record information), and a <--  
24 registration fee of \$50.

25 (a.2) Renewals.--A humane society police officer shall apply  
26 for renewal of inclusion in the registry every two years on the  
27 anniversary of the date of appointment as a humane society  
28 police officer. The renewal shall occur in a form and manner as  
29 determined by the department and shall include proof of  
30 completion of the continuing education required under section

1 ~~3713 (relating to continuing education program), AND a criminal~~ <--  
2 ~~history report from the Pennsylvania State Police under 18~~  
3 ~~Pa.C.S. Ch. 91, and a renewal fee of \$50.~~ <--

4 \* \* \*

5 ~~(e) Automatic suspension.~~ <--

6 ~~(1) If an individual who is a humane society police~~  
7 ~~officer fails to apply for inclusion in the registry as~~  
8 ~~prescribed in subsection (a), the individual's powers and~~  
9 ~~authority specified in section 3708 (relating to powers and~~  
10 ~~authority; jurisdiction) shall be immediately suspended until~~  
11 ~~such time as the individual successfully completes the~~  
12 ~~application for registration or renewal of registration. The~~  
13 ~~department shall notify the court of common pleas and~~  
14 ~~district attorney of each county to which the individual is~~  
15 ~~appointed as a humane society police officer of the~~  
16 ~~suspension.~~

17 ~~(2) If an individual who is a humane society police~~  
18 ~~officer fails to renew within 30 days of the anniversary of~~  
19 ~~appointment, the department shall provide notice to the~~  
20 ~~individual that the individual has 90 days to complete the~~  
21 ~~renewal and mark the individual as suspended in the registry.~~  
22 ~~The department shall notify the court of common pleas and~~  
23 ~~district attorney of each county to which the individual is~~  
24 ~~appointed as a humane society police officer of the~~  
25 ~~suspension.~~

26 Section 4. Title 22 is amended by adding a section to read:  
27 ~~§ 3719. Applicability of Right to Know Law.~~

28 ~~A society or association shall be subject to the act of~~  
29 ~~February 14, 2008 (P.L.6, No.3), known as the Right to Know Law,~~  
30 ~~and considered to be a "local agency" under that act.~~

1 ~~Section 5. This act shall take effect in 60 days.~~

2 SECTION 6. SECTION 3715(B) OF TITLE 22 IS AMENDED AND THE <--  
3 SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

4 § 3715. HUMANE SOCIETY POLICE OFFICER ADVISORY BOARD.

5 \* \* \*

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

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

9 (2) A REPRESENTATIVE OF [A SOCIETY OR ASSOCIATION] AN  
10 ORGANIZATION IN THIS COMMONWEALTH OF SOCIETIES OR  
11 ASSOCIATIONS FOR THE PREVENTION OF CRUELTY TO ANIMALS.

12 (3) A HUMANE SOCIETY POLICE OFFICER.

13 (4) A REPRESENTATIVE OF A STATEWIDE VETERINARY MEDICAL  
14 ASSOCIATION.

15 (5) A REPRESENTATIVE OF A FARM ORGANIZATION.

16 (6) A DISTRICT ATTORNEY OR HIS DESIGNEE.

17 (7) A REPRESENTATIVE OF THE POLICE.

18 (8) A DISTRICT JUSTICE.

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

20 (10) A CLERK OF COURTS.

21 (11) A REPRESENTATIVE OF THE PENNSYLVANIA GAME  
22 COMMISSION.

23 \* \* \*

24 (G) TRAINING PROGRAM APPROVAL.--THE BOARD SHALL REVIEW AND  
25 RECOMMEND PROGRAMS REQUIRED UNDER SECTIONS 3712 (RELATING TO  
26 TRAINING PROGRAM) AND 3713 (RELATING TO CONTINUING EDUCATION  
27 PROGRAM).

28 (H) MEETINGS.--THE BOARD SHALL MEET AT LEAST ONCE ANNUALLY  
29 OR ON A BASIS AS NECESSARY TO SUFFICIENTLY ADVISE THE SECRETARY  
30 AND COMPLY WITH SUBSECTION (G).

1 SECTION 7. THIS ACT SHALL TAKE EFFECT IN ONE YEAR.