

DETECTIVES AND PRIVATE POLICE (22 PA.C.S.) - OMNIBUS AMENDMENTS

Act of Oct. 2, 2018, P.L. 511, No. 77

Cl. 22

Session of 2018

No. 2018-77

HB 1917

AN ACT

Amending Title 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes, in humane society police officers, further providing for appointment by nonprofit corporations, for qualifications for appointment, for suspension, revocation, limitation and restriction of appointment and restoration of appointment, for training program, for continuing education program, for Statewide registry and for Humane Society Police Officer Advisory Board.

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

Section 1. Section 3704 of Title 22 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:  
§ 3704. Appointment by nonprofit corporations.

\* \* \*

**(a.1) Notice to department.--Upon action by the court of common pleas to order an appointment, the clerk of courts of the county shall forward such information to the department for the purpose of the Statewide registry established under section 3714 (relating to Statewide registry).**

\* \* \*

Section 2. Sections 3705 and 3706(a) of Title 22 are amended by adding paragraphs to read:

§ 3705. Qualifications for appointment.

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

\* \* \*

**(7) Has not had an appointment as a humane society police officer revoked for cause in another county or another state.**

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

(a) Grounds for suspension, revocation, limitation or restriction.--By its own action, on petition by a district attorney 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:

\* \* \*

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

**(7) The individual has had an appointment as a humane society police officer revoked for cause in another county or another state.**

\* \* \*

Section 3. Section 3712(b), (c), (d) and (f) of Title 22 are amended and the section is amended by adding a subsection to read:

§ 3712. Training program.

\* \* \*

(b) Contracts.--The secretary, with the advice of 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. The contracted entity shall forward information pertaining to an individual's successful completion of the initial training program to the department for the purpose of maintaining the Statewide registry established pursuant to section 3714 (relating to Statewide registry).

(c) Minimum requirements.--The program for the training of humane society police officers shall include at a minimum [60] **80** hours of instruction in accordance with subsection (d).

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

(1) At least [36] **40** hours of instruction shall be provided on the following:

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

(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] **40** 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, **treatment** and handling of agricultural **and other** animals pursuant to enforcement of the cruelty to animals laws.

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

(vi) **Agricultural biosecurity protocols.**

(vii) **General farm orientation, safety and security practices, including instruction in measures for discovery of conditions and implementation of precautionary actions to prevent harm or damage to persons, animals or property.**

(3) In conducting the training listed in paragraph (2), the program of instruction shall include at least one on-site visit to a normal agricultural operation that includes agricultural animals and is at least ten acres in contiguous area.

\* \* \*

(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 pursuant to this section provided that the individual can provide proof to the secretary of successful completion of a similar training program for humane society police officers established under the act of December 12, 1994 (P.L.956, No.135), known as the Humane Society Police Officer Enforcement Act. **This subsection shall expire on the effective date of subsection (f.1).**

**(f.1) Exemption.--Individuals who have been appointed as humane society police officers and have successfully completed initial training under this chapter prior to June 30, 2018, shall be exempt from the initial training requirements under this section provided that the individual can provide proof to the secretary of successful completion of continuing education training under section 3713 (relating to continuing education program) within six months of the effective date of this subsection.**

Section 4. Section 3713 of Title 22 is amended to read:  
§ 3713. Continuing education program.

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

(b) Contracts.--

**(1)** The secretary, with the advice of 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 continuing education program for the training of individuals to act as humane society police officers.

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

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

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

**(1)** At least [six] **eight** hours of instruction shall be provided on the following:

(i) Pennsylvania cruelty to animals laws.

(ii) Pennsylvania Rules of Criminal Procedure.

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

(iv) Proper completion of search warrants.

(v) Proper search and seizure practices.

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

**(2)** At least [four] **eight** 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, **treatment** and handling of agricultural **and other** animals pursuant to enforcement of the cruelty to animals laws.

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

(vi) **Agricultural biosecurity protocols.**

(vii) **General farm orientation, safety and security practices, including instruction in measures for discovery of conditions and implementation of precautionary actions to prevent harm or damage to persons, animals or property.**

(3) In conducting the training listed in paragraph (2), the program of instruction shall include at least one on-site visit to a normal agricultural operation that includes agricultural animals and is at least ten acres in contiguous area.

(e) Automatic suspension.--

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

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

Section 5. Section 3714 of Title 22 is amended by adding subsections to read:

§ 3714. Statewide registry.

\* \* \*

(a.1) **Inclusion in registry.--A humane society police officer shall make, upon appointment, an application to the department for inclusion in the registry on a form provided by the department. The application shall include confirmation of the appointment by the court of common pleas, proof of completion of the necessary education and a criminal history report from the Pennsylvania State Police under 18 Pa.C.S. Ch. 91 (relating to criminal history record information).**

(a.2) **Renewals.--A humane society police officer shall apply for renewal of inclusion in the registry every two years on the anniversary of the date of appointment as a humane society police officer. The renewal shall occur in a form and manner as determined by the department and shall include proof of completion of the continuing education required under section 3713 (relating to continuing education program) and a criminal history report from the Pennsylvania State Police under 18 Pa.C.S. Ch. 91.**

\* \* \*

Section 6. Section 3715(b) of Title 22 is amended and the section is amended by adding subsections to read:

§ 3715. Humane Society Police Officer Advisory Board.

\* \* \*

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

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

(2) A representative of [a society or association] **an organization in this Commonwealth of societies or associations** for the prevention of cruelty to animals.

(3) A humane society police officer.

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

(5) A representative of a farm organization.

(6) A district attorney or his designee.

(7) A representative of the police.

(8) A district justice.

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

(10) A clerk of courts.

(11) A representative of the Pennsylvania Game Commission.

\* \* \*

**(g) Training program approval.--The board shall review and recommend programs required under sections 3712 (relating to training program) and 3713 (relating to continuing education program).**

**(h) Meetings.--The board shall meet at least once annually or on a basis as necessary to sufficiently advise the secretary and comply with subsection (g).**

Section 7. This act shall take effect in one year.

APPROVED--The 2nd day of October, A.D. 2018.

TOM WOLF