

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2542 Session of
1994

INTRODUCED BY KAISER, GORDNER, D. R. WRIGHT, MIHALICH, PETTIT,
GODSHALL, KING, TANGRETTI, MARKOSEK, MELIO, FARMER, HERSHEY,
SCHEETZ, PISTELLA, KASUNIC, STERN, PETRARCA AND ROBERTS,
FEBRUARY 8, 1994

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
FEBRUARY 8, 1994

AN ACT

1 Providing for the training of Humane Society Enforcement
2 Officers and for additional duties of the Department of
3 Agriculture.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Humane
8 Society Enforcement Officer Law.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

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

15 "Humane society." Any society or association for the
16 prevention of cruelty to animals incorporated under the laws of
17 this Commonwealth.

1 "Humane Society Enforcement Officer" or "enforcement
2 officer." Any person appointed or employed by a humane society
3 to investigate suspected violations of and to enforce the laws
4 of this Commonwealth relating to the prevention of cruelty to
5 animals.

6 Section 3. Training program.

7 The department shall devise and conduct a training program
8 for Humane Society Enforcement Officers. This program shall
9 cover the following subject areas:

10 (1) The provisions of all State laws relating to animal
11 cruelty and the humane treatment of animals.

12 (2) The physical characteristics of animals and those
13 symptoms and conditions evidencing the mistreatment of
14 animals.

15 (3) Procedures for dealing with rabid or diseased
16 animals.

17 (4) Legal procedures, including the following:

18 (i) Proper methods of preliminary and criminal
19 investigation.

20 (ii) The Pennsylvania Rules of Criminal Procedure
21 and the initiation of criminal proceedings pursuant
22 thereto.

23 (iii) Proper methods of conducting lawful searches,
24 seizures and securing of evidence.

25 (iv) Constitutional rights of the accused applicable
26 to criminal investigations, interrogations, searches and
27 seizures of evidence.

28 (v) Laws governing arrest and the use of force.

29 (vi) Identification of physical characteristics of
30 abused or neglected animals.

1 (5) Field investigations, to include photography and the
2 nature of information which should be acquired.

3 (6) Procedures for the taking of information and
4 statements from lay witnesses and veterinarians and other
5 animal experts.

6 Section 4. Time and place of training.

7 Training shall commence within one year of the effective date
8 of this act. Training shall be conducted at various locations in
9 this Commonwealth as the department shall determine. The
10 department shall conduct refresher courses in this training as
11 it deems necessary to maintain the standards it sets for its
12 enforcement officers.

13 Section 5. Examination.

14 The department shall conduct an examination at the end of
15 each training course. This examination shall be graded on a
16 pass/fail basis. Any person failing the examination may be
17 reexamined, directed to repeat the training program or suspended
18 from duty, as the department shall determine. It shall be
19 necessary to pass this examination for a person to exercise the
20 powers and duties of a humane society enforcement officer.

21 Section 6. Background checks.

22 Prior to the appointment or employment of an enforcement
23 officer, the humane society shall make a background check of the
24 candidate to include the following:

25 (1) Drug or alcohol abuse.

26 (2) History of mental illness.

27 (3) Criminal history records.

28 Upon request, the department shall assist any Humane Society in
29 making this check. All State and local agencies are directed to
30 cooperate with a humane society and the department in providing

1 information under this section.

2 Section 7. Enforcement officer vehicles.

3 Law enforcement-type flashing lights and sirens are not
4 permitted to be affixed to or used on enforcement officer
5 vehicles.

6 Section 8. Jurisdiction.

7 The jurisdiction of an enforcement office shall be the county
8 of the humane society. An enforcement officer shall also have
9 jurisdiction in any adjacent county lacking an enforcement
10 officer.

11 Section 9. Complaint procedure.

12 (a) Log book required.--All local police departments shall
13 maintain a log book for the entry of humane complaints and the
14 results thereof by enforcement officers. In municipalities which
15 have no local police department, this log book shall be
16 maintained by the Pennsylvania State Police at the Pennsylvania
17 State Police office nearest the municipality.

18 (b) Complaints.--Upon receiving a complaint, an enforcement
19 officer shall first visit the headquarters of the local police
20 department to determine if similar complaints have been made to
21 other humane societies in the county. If the enforcement officer
22 visits the site of the alleged violation, he shall make a report
23 of the disposition or outcome of the matter in the humane
24 complaint log book. The enforcement officer shall also send a
25 copy of his complete report to the local police department for
26 inclusion in the log at the termination of all action in the
27 subject matter of the complaint.

28 (c) Form of log.--The department shall devise a standard log
29 book format for use under this section.

30 Section 10. Weapons.

1 (a) Handgun.--The carrying of a handgun by an enforcement
2 officer is prohibited.

3 (b) Stun gun.--The carrying of a stun gun by an enforcement
4 officer is permitted.

5 (c) Tranquilizer gun.--The carrying of a tranquilizer gun by
6 an enforcement officer is permitted provided that officer is
7 certified under the act of October 10, 1974 (P.L.705, No.235),
8 known as the Lethal Weapons Training Act.

9 Section 11. Search warrants.

10 An enforcement officer may obtain a search warrant only if
11 the warrant is approved by the district attorney.

12 Section 12. Farms.

13 The jurisdiction of the enforcement officer shall not extend
14 to farms or farming operations. The department shall employ or
15 appoint special officers to investigate violations allegedly
16 committed on farms. These special officers shall have the
17 training provided for in this act and shall have such additional
18 background, experience or training in animal husbandry and shall
19 have a thorough understanding of normal and acceptable animal
20 husbandry practices.

21 Section 13. Funding.

22 (a) Fund established.--The Humane Society Enforcement
23 Officer Training Fund is hereby established as a separate
24 account in the State Treasury and shall be administered by the
25 department. All moneys in this account are hereby appropriated
26 to the department on a continuing basis to carry out this act.
27 Any interest earned by moneys in the fund shall accrue to the
28 fund.

29 (b) Surcharge.--A 1¢ per five pounds surcharge is hereby
30 imposed on all dog and cat food for sale at wholesale for

1 consumption in this Commonwealth. This surcharge shall be
2 collected from the purchaser by the Department of Revenue. The
3 Department of Revenue shall by regulation establish procedures
4 for the collection of this surcharge. All moneys so collected
5 shall be paid into the Humane Society Enforcement Officer
6 Training Fund.

7 Section 14. Effective date.

8 This act shall take effect in 60 days.