

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2542

Session of
1994

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

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 5, 1994

AN ACT

1 Requiring applications for the appointment of humane society
2 police officers to include certain documentation; and
3 providing for limitation on the possession of firearms by
4 humane society police officers and for enforcement and
5 jurisdiction.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Humane
10 Society Police Officer Enforcement Act.

11 Section 2. Definitions.

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

15 "AGRICULTURAL ANIMAL." ANY BOVINE ANIMAL, EQUINE ANIMAL, <—
16 SHEEP, GOAT, PIG, POULTRY, BIRD, FOWL, WILD OR SEMIWILD ANIMAL
17 OR FISH OR OTHER AQUATIC ANIMAL WHICH IS BEING RAISED, KEPT,
18 TRANSPORTED OR UTILIZED FOR THE PURPOSE OF OR PURSUANT TO

1 AGRICULTURAL PRODUCTION.

2 "AGRICULTURAL PRODUCTION." THE PRODUCTION AND PREPARATION
3 FOR MARKET OF AGRICULTURAL ANIMALS AND THEIR PRODUCTS AND OF
4 AGRICULTURAL, AGRONOMIC, HORTICULTURAL, SILVICULTURAL AND
5 AQUACULTURAL CROPS AND COMMODITIES.

6 "Cruelty to animals laws." The provisions of 18 Pa.C.S. §
7 5511 (relating to cruelty to animals).

8 "Humane society." A nonprofit society or association duly
9 incorporated pursuant to 15 Pa.C.S. Ch. 53 Subch. A (relating to
10 incorporation generally) for the purpose of the prevention of
11 cruelty to animals.

12 "Humane society police officer." Any person duly appointed
13 pursuant to 22 Pa.C.S. § 501 (relating to appointment by
14 nonprofit corporations) to act as a police officer for a humane
15 society. The term shall include any person who is an "agent" of
16 a humane society as "agent" is used in 18 Pa.C.S. § 5511
17 (relating to cruelty to animals).

18 "Land grant institution." Educational institutions located
19 within or outside the geographic boundaries of this Commonwealth
20 which have received a grant of public land made by the Congress
21 of the United States for the support of education pursuant to
22 the act of July 2, 1862 (12 Stat. 503, 7 U.S.C. § 301 et seq.),
23 known as the Morrill Act.

24 Section 3. Application of act.

25 This act shall apply to any nonprofit corporation, as defined
26 in 15 Pa.C.S. Pt. II Subpt. C (relating to nonprofit
27 corporations), which is organized for the purpose of the
28 prevention of cruelty to animals.

29 Section 4. Humane society police officers.

30 (a) Applications for appointment of humane society police

1 officers.--No person may exercise the powers conferred under 22
2 Pa.C.S. § 501(c) (relating to appointment by nonprofit
3 corporations) upon a humane society police officer or the powers
4 conferred under 18 Pa.C.S. § 5511 (relating to cruelty to
5 animals) upon an agent of a humane society unless he has been
6 appointed as a humane society police officer in accordance with
7 22 Pa.C.S. § 501. Each humane society which makes application to
8 the court of common pleas pursuant to 22 Pa.C.S. § 501 for the
9 appointment of a person to act as a police officer for the
10 humane society shall provide with the application the
11 documentation the court may require to verify that the person
12 has satisfactorily completed a training program of 40 hours
13 developed and administered by a land grant institution for the
14 specific purpose of training humane society police officers in
15 the following subjects:

16 (1) Cruelty to animals laws.

17 (2) Care and treatment of animals.

18 (3) Pennsylvania rules of criminal law and criminal
19 procedure.

20 (4) HUMANE HUSBANDRY ACTIVITIES, PRACTICES AND
21 PROCEDURES WITH REGARD TO AGRICULTURAL ANIMALS.

22 (b) Criminal history information.--The application for the
23 appointment of a person to act as a humane society police
24 officer shall include a report of criminal history record
25 information from the Pennsylvania State Police, pursuant to 18
26 Pa.C.S. Ch. 91 (relating to criminal history record
27 information), or a statement from the Pennsylvania State Police
28 that the Pennsylvania State Police central repository contains
29 no such information relating to the person who is the subject of
30 the application. The criminal history record information shall

1 be limited to that which may be disseminated pursuant to 18
2 Pa.C.S. § 9121(b)(2) (relating to general regulations).

3 (c) Limitation on the possession of firearms.--No person
4 appointed as a humane society police officer shall carry,
5 possess or use a firearm in the performance of his or her duties
6 unless such person holds a current and valid certification in
7 the use and handling of firearms pursuant to at least one of the
8 following:

9 (1) The act of June 18, 1974 (P.L.359, No.120), referred
10 to as the Municipal Police Education and Training Law.

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

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

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

19 (d) Jurisdiction of humane society police officers.--A
20 humane society police officer shall not exercise the powers
21 conferred by 22 Pa.C.S. § 501(c) or 18 Pa.C.S. § 5511 in a
22 county unless he has been appointed to serve in that county by
23 the court of common pleas of that county in accordance with 22
24 Pa.C.S. § 501.

25 (e) Application of act to prior appointees.--

26 (1) Any humane society police officer who, prior to the
27 effective date of this act, has successfully completed a
28 training course similar to that required under subsection (a)
29 shall, after review by the court of common pleas, be
30 certified as having met the training requirements of this

1 act. Any humane society police officer who, prior to the
2 effective date of this act, has not successfully completed a
3 training course similar to that required under subsection (a)
4 may continue to perform the duties of a humane society police
5 officer until such person has successfully completed the
6 required training course, but not longer than two years from
7 the effective date of this act.

8 (2) Any humane society police officer who, prior to the
9 effective date of this act, has not been certified in the use
10 and handling of firearms pursuant to one or more of the acts
11 set forth in subsection (c)(1), (2) and (3) shall not carry
12 or possess a firearm in the performance of the duties of a
13 humane society police officer on or after the effective date
14 of this act until the person has, under subsection (c), been
15 certified in the use and handling of firearms.

16 (F) NEW APPOINTEES.--ANY HUMANE SOCIETY POLICE OFFICER WHO <—
17 HAS NOT SUCCESSFULLY COMPLETED A TRAINING COURSE SIMILAR TO THAT
18 REQUIRED UNDER SUBSECTION (A) MAY PERFORM THE DUTIES OF A HUMANE
19 SOCIETY POLICE OFFICER UNTIL SUCH PERSON HAS SUCCESSFULLY
20 COMPLETED THE REQUIRED TRAINING COURSE, BUT NOT LONGER THAN SIX
21 MONTHS FROM THE DATE OF APPLICATION.

22 ~~(f)~~ (G) Optional training programs.--A humane society police <—
23 officer may satisfy the training requirements of subsection (a)
24 by successfully completing a training program developed and
25 administered by an accredited college or university or community
26 college, or by a public or private entity if the training
27 program has been approved by the Department of Agriculture as
28 meeting the training requirements of subsection (a). The
29 department shall, by regulation, establish standards and
30 procedures for approving optional training programs.

1 Section 5. Right to refuse, suspend or revoke appointment.

2 (a) Refusal, suspension or revocation required.--The court
3 of common pleas shall refuse to appoint a person to act as a
4 humane society police officer or shall suspend or revoke the
5 appointment of a person who is acting as a humane society police
6 officer if the court determines that the person has:

7 (1) Failed to satisfy the training requirements of
8 section 4(a).

9 (2) Failed to provide any documentation which, under
10 section 4(a), is required to be submitted with an application
11 for appointment or which the court may reasonably request.

12 (3) Had a criminal history record which would disqualify
13 the applicant from becoming a private police officer pursuant
14 to 22 Pa.C.S. Ch. 5 (relating to private police).

15 (4) Been convicted of violating 18 Pa.C.S. § 5301
16 (relating to official oppression).

17 (b) Additional grounds.--The court of common pleas may
18 refuse to appoint a person to act as a humane society police
19 officer or may suspend or revoke the appointment of a person who
20 is acting as a humane society police officer if the court
21 determines that the person has:

22 (1) Made a false or misleading statement in the
23 application for appointment.

24 (2) Carried or possessed a firearm in the performance of
25 his or her duties without certification pursuant to section
26 4(c).

27 (3) Engaged in conduct which constitutes a prima facie
28 violation of 18 Pa.C.S. § 5301.

29 (4) VIOLATED ANY OF THE PROVISIONS OF THIS ACT. <—

30 (c) Effect on 22 Pa.C.S. § 501.--Nothing in this section

1 shall be construed to limit the authority of a court of common
2 pleas to deny the appointment of any person or to place upon any
3 person any additional prerequisites or conditions of
4 appointment, pursuant to 22 Pa.C.S. § 501(a) (relating to
5 appointment by nonprofit corporations).
6 Section 6. Effective date.
7 This act shall take effect in 60 days.