

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

SENATOR THOMPSON, APPROPRIATIONS, RE-REPORTED AS AMENDED,
MARCH 30, 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; providing for search warrants;
7 establishing the State Board of Humane Society Police
8 Officers and the Humane Society Police Officer Training and
9 Education Account; and making a related repeal.

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

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

14 § 501. Appointment by nonprofit corporations.

15 (a) Appointment authorized.--Any nonprofit corporation, as
16 defined in 15 Pa.C.S. Pt. II Subpt. C (relating to nonprofit
17 corporations) maintaining a cemetery or any buildings or grounds
18 open to the public, or organized for the prevention of cruelty
19 to children or aged persons [or animals], or one or more of such
20 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.

1 3702. Definitions.
2 3703. Appointment required.
3 3704. State Board of Humane Society Police Officers.
4 3705. Powers of the board.
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11 3712. Jurisdiction of humane society police officers.
12 3713. Penalties.
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14 3715. Training program.
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16 3717. Limitation on possession of firearms.
17 3718. Search warrants.
18 3719. Societies or associations for the prevention of cruelty
19 to animals.
20 3720. Humane Society Police Officer Training and Education
21 Account.
22 3721. Surcharge and disposition of fines.

23 § 3701. Scope.

24 This chapter deals with humane society police officers.

25 § 3702. Definitions.

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

29 "Account." The Humane Society Police Officer Training and
30 Education Account established in section 3720 (relating to

1 Humane Society Police Officer Training and Education Account).

2 "Agricultural animal." Any bovine animal, equine animal,
3 sheep, goat, pig, poultry, bird, fowl, wild or semiwild animal
4 or fish or other aquatic animal which is being raised, kept,
5 transported or utilized for the purpose of or pursuant to
6 agricultural production.

7 "Agricultural production." The production and preparation
8 for market of agricultural animals and their products and of
9 agricultural, agronomic, horticultural, silvicultural and
10 aquacultural crops and commodities.

11 "Board." The State Board of Humane Society Police Officers.

12 "Cruelty to animals laws." The provisions of 18 Pa.C.S. §
13 5511 (relating to cruelty to animals).

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

16 "Humane society police officer." Any natural person who is
17 duly employed, either part time or full time, by a society or
18 association for the prevention of cruelty to animals, to act as
19 a police officer for a society or association for the prevention
20 of cruelty to animals and who holds a current appointment under
21 this chapter. The term shall include an individual who is an
22 "agent" of a society or association for the prevention of
23 cruelty to animals as "agent" as used in 18 Pa.C.S. § 5511
24 (relating to cruelty to animals) provided that individual holds
25 a current appointment under this chapter.

26 "Secretary." The Secretary of Agriculture of the
27 Commonwealth.

28 "SERIOUS MISDEMEANOR." A CRIMINAL OFFENSE FOR WHICH MORE
29 THAN ONE YEAR IN PRISON CAN BE IMPOSED AS A PUNISHMENT.

30 "Society or association for the prevention of cruelty to

1 animals." A nonprofit society or association duly incorporated
2 pursuant to 15 Pa.C.S. Ch. 53 Subch. A (relating to
3 incorporation generally) for the purpose of the prevention of
4 cruelty to animals.

5 § 3703. Appointment required.

6 It shall be unlawful for any individual to hold himself or
7 herself forth as a humane society police officer unless the
8 individual has obtained an appointment pursuant to this chapter.

9 § 3704. State Board of Humane Society Police Officers.

10 (a) Establishment.--There is hereby established the State
11 Board of Humane Society Police Officers, a departmental
12 administrative board within the Department of Agriculture. The
13 board shall have 11 members, one of whom shall be the secretary
14 or the secretary's designee who shall act as chairperson and who
15 is authorized to participate in and vote on all matters before
16 the board. The following remaining members must be citizens of
17 the United States who have been residents of this Commonwealth
18 for a two-year period:

19 (1) Two representatives of societies for the prevention
20 of cruelty to animals.

21 (2) A humane society police officer.

22 (3) A representative of a Statewide veterinary medical
23 association.

24 (4) Two representatives of farm organizations.

25 (5) A district attorney or the district attorney's
26 designee.

27 (6) A district justice.

28 (7) A police chief of a local municipality located
29 within this Commonwealth.

30 (8) A public member.

1 (b) Terms.--Except as provided in subsection (c), the term
2 of each member shall be four years or until such time as a
3 successor has been appointed and qualified, but not longer in
4 any event than six months beyond the four-year period. In the
5 event that any member dies or resigns during the member's term
6 of office, the member's successor shall be appointed in the same
7 way and with the same qualifications as set forth in subsection
8 (a) and shall hold office for the unexpired term. All members,
9 excluding the secretary or the secretary's designee, shall be
10 appointed by the Governor by and with the advice and consent of
11 the majority of members elected to the Senate.

12 (c) Initial appointments.--Within 90 days of the effective
13 date of this chapter, the Governor shall nominate:

14 (1) Two representatives of societies for the prevention
15 of cruelty to animals, one of whom shall serve a two-year
16 term and one of whom shall serve a four-year term.

17 (2) A humane society police officer, who shall serve a
18 two-year term.

19 (3) Two representatives of farm organizations, one of
20 whom shall serve a one-year term and one of whom shall serve
21 a three-year term.

22 The humane society police officer initially appointed pursuant
23 to this subsection need not be appointed by the provisions of
24 this chapter but, at the time of appointment to the board, must
25 have been employed as a humane society police officer for a
26 minimum of two years prior to the effective date of this
27 section.

28 (d) Absences.--Any ~~members~~ MEMBER who fails to attend three
29 consecutive board meetings shall forfeit the member's seat
30 unless the secretary, upon written request from the member,

<—

1 finds that the member should be excused from a meeting due to
2 illness or death of a family member.

3 (e) Compensation.--Each member of the board, except the
4 secretary or the secretary's designee, shall receive per diem
5 compensation at the rate of \$60 per day when actually attending
6 to the work of the board. Members shall also receive reasonable
7 travel, hotel and other necessary expenses incurred in the
8 performance of their duties in accordance with Commonwealth
9 regulation.

10 (f) Forfeiture for nonattendance.--A public member who fails
11 to attend two consecutive statutorily mandated training seminars
12 in accordance with section 813(e) of the act of April 9, 1929
13 (P.L.177, No.175), known as The Administrative Code of 1929,
14 shall forfeit the member's seat unless the secretary, upon
15 written request from the public member, finds that the public
16 member should be excused from ~~a meeting~~ ATTENDING because of <—
17 illness or the death of a family member.

18 (g) Quorum.--A majority of the members of the board serving
19 in accordance with law shall constitute a quorum for the
20 purposes of conducting the business of the board. A member may
21 not be counted as part of a quorum or vote on any issue unless
22 that member is physically in attendance at the meeting.

23 (h) Meetings.--The board shall meet at least twice a year in
24 Harrisburg, Pennsylvania.

25 (i) Notice.--Reasonable notice of all meetings shall be
26 given in conformity with 65 Pa.C.S. Ch. 7 (relating to open
27 meetings).

28 (j) Operating procedures.--The board shall meet within 30
29 days after the appointment of its members and establish
30 operating procedures and develop application forms for the

1 appointment of humane society police officers. It shall be the
2 responsibility of the board to circulate these forms and educate
3 the public to the requirements of appointment in order to hold
4 oneself out as a humane society police officer within this
5 Commonwealth.

6 § 3705. Powers of the board.

7 The board shall have the following powers:

8 (1) To approve the qualifications of applicants for
9 appointments to become humane society police officers.

10 (2) To adopt and from time to time revise such rules and
11 regulations as may be necessary to carry out this chapter.
12 Regulations may include, but are not limited to, standards of
13 professional practice and conduct for humane society police
14 officers.

15 (3) To examine for, deny, approve, issue, revoke,
16 suspend or renew appointments of humane society police
17 officers pursuant to this chapter and to conduct hearings in
18 connection with this chapter.

19 (4) To promulgate regulations that govern the boarding
20 of animals seized by a humane society police officer pursuant
21 to 18 Pa.C.S. § 5511(1) (relating to cruelty to animals).
22 Regulations shall include, but are not limited to, the
23 appropriate procedures for the seizure of animals and the
24 amount in fees that shall be charged for the care of seized
25 animals in the custody of a humane society police officer or
26 society or association for the prevention of cruelty to
27 animals.

28 (5) To promulgate regulations that establish appointment
29 qualification requirements in addition to those specified in
30 section 3707 (relating to qualifications for appointment).

1 (6) To waive education requirements and make an
2 appointment in cases deemed exceptional by the board and in
3 accordance with regulations promulgated by the board.

4 (7) To conduct hearings upon complaints concerning
5 violations of this chapter and the rules and regulations
6 adopted pursuant to this chapter and seek the prosecution and
7 enjoinder of all such violations.

8 (8) To have summons and subpoenas issued, if necessary,
9 for any witnesses or subpoenas duces tecum in connection with
10 any matter within jurisdiction of the board.

11 § 3706. Duties of the board.

12 (a) Records of proceedings.--The board shall keep a record
13 of its proceedings and records relating to applications,
14 issuance, denial, suspension and revocation of appointment for
15 humane society police officers. All appointments issued by the
16 board shall be numbered and recorded, and a file kept for that
17 purpose, and such file or record shall be open to the public.
18 Records relating to an individual's appointment as a humane
19 society police officer shall include the name, age, address,
20 employing society or association for the prevention of cruelty
21 to animals, record of compliance with all training and
22 continuing education requirements pursuant to this chapter and
23 other such information as the board deems appropriate. The
24 records of the board shall be prima facie evidence in the
25 proceedings and a certified transcript by the secretary shall be
26 admissible in evidence with the same force and effect as if the
27 original were produced.

28 (b) Annual report.--The board shall submit annually a report
29 to the Agriculture and Rural Affairs Committee of the Senate and
30 the Agriculture and Rural Affairs Committee of the House of

1 Representatives containing a description of the types of
2 complaints received, status of the cases, board action which has
3 been taken and length of time from the initial complaint to
4 final board resolution.

5 (c) Budget request.--The board shall submit annually to the
6 Appropriations Committee of the Senate and the Appropriations
7 Committee of the House of Representatives, 15 days after the
8 Governor has submitted his budget to the General Assembly, a
9 copy of the budget request for the upcoming fiscal year which
10 the board previously submitted to the department.

11 § 3707. Qualifications for appointment.

12 (a) General rule.--A society or association for the
13 prevention of cruelty to animals may apply to the board for the
14 appointment of an individual as a humane society police officer.
15 An applicant shall be qualified for an appointment to hold
16 oneself out as a humane society police officer, provided the
17 applicant submits proof satisfactory to the board and the board
18 finds that the applicant:

19 (1) Is of good moral character.

20 (2) Is a resident of this Commonwealth.

21 (3) Is in the employ, either part time or full time, of
22 a society or association for the prevention of cruelty to
23 animals.

24 (4) Has successfully completed the education
25 requirements pursuant to section 3715 (relating to training
26 program).

27 (5) Has obtained a criminal history report from the
28 Pennsylvania State Police pursuant to 18 Pa.C.S. Ch. 91
29 (relating to criminal history record information) or a
30 statement from the Pennsylvania State Police that the

1 Pennsylvania State Police central repository contains no
2 pertinent information relating to the individual who is the
3 subject of the application. The criminal history record
4 information shall be limited to that which may be
5 disseminated pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to
6 general regulations).

7 (6) HAS NOT BEEN CONVICTED OF AN OFFENSE GRADED A FELONY <—
8 OR A SERIOUS MISDEMEANOR.

9 (7) HAS NOT BEEN CONVICTED OF AN OFFENSE IN ANOTHER
10 JURISDICTION, STATE, TERRITORY OR COUNTRY IN ACCORDANCE WITH
11 THE LAWS OF THAT JURISDICTION, STATE, TERRITORY OR COUNTRY,
12 AND THE OFFENSE IS EQUIVALENT TO AN OFFENSE SPECIFIED IN
13 PARAGRAPH (6) REGARDLESS OF ITS GRADING IN THAT JURISDICTION,
14 STATE, TERRITORY OR COUNTRY.

15 ~~(6)~~ (8) Has not been convicted of a felony under the act <—
16 of April 14, 1972 (P.L.233, No.64), known as The Controlled
17 Substance, Drug, Device and Cosmetic Act, or of an offense
18 under the laws of another jurisdiction, which, if committed
19 in this Commonwealth, would be a felony under The Controlled
20 Substance, Drug, Device and Cosmetic Act, unless:

21 (i) at least ten years have elapsed from the date of
22 conviction;

23 (ii) the applicant satisfactorily demonstrates to
24 the board that the applicant has made significant
25 progress in personal rehabilitation since the conviction,
26 such that appointment of the applicant should not be
27 expected to create a substantial risk of harm to the
28 health and safety of the public or a substantial risk of
29 further criminal violations; and

30 (iii) the applicant otherwise satisfies the

1 qualifications contained in or authorized by this
2 chapter.

3 As used in this paragraph, the term "convicted" shall include
4 a judgment, an admission of guilt or a plea of nolo
5 contendere.

6 ~~(7) Has not been convicted of violating 18 Pa.C.S. §~~ <—
7 ~~5301 (relating to official oppression).~~

8 ~~(8)~~ (9) Has complied with any additional qualification <—
9 requirements promulgated by regulation.

10 § 3708. Temporary appointment.

11 (a) Temporary appointment.--A society or association for the
12 prevention of cruelty to animals may petition the board for the
13 temporary appointment of an individual as a humane society
14 police officer, provided that:

15 (1) The individual:

16 (i) Is of good moral character.

17 (ii) Is a resident of this Commonwealth.

18 (iii) Is in the employ, either part time or full
19 time, of a society or association for the prevention of
20 cruelty to animals.

21 (iv) Has not been previously appointed under this
22 section.

23 (v) Submits to the board the criminal history
24 information prescribed in section 3707(5) (relating to
25 qualifications for appointment).

26 (vi) Has not been convicted of a felony as <—
27 prescribed in section 3707(6).

28 ~~(vii) Has not been convicted of violating 18 Pa.C.S.~~
29 ~~§ 5301 (relating to official oppression).~~ AN OFFENSE AS <—
30 PRESCRIBED IN SECTION 3707(6), (7) OR (8).

(VII) HAS COMPLIED WITH ANY ADDITIONAL QUALIFICATION
REQUIREMENTS PROMULGATED BY REGULATION.

(2) No other individual that is employed, either part
time or full time, by the society or association for the
prevention of cruelty to animals is currently appointed to
act as a humane society police officer.

(b) Expiration.--A temporary appointment under this section
shall expire at the end of six months or such time as the
individual or any other employee of the society or association
for the prevention of cruelty to animals has been permanently
appointed by the board to act as a humane society police
officer, whichever is earlier. No more than one temporary
appointment shall be effective for any society or association
for the prevention of cruelty to animals at any time.

§ 3709. Refusal, suspension and revocation of appointment.

(a) Grounds.--The board may refuse, suspend, revoke, limit
or restrict an appointment or reprimand an appointee for any of
the following reasons:

(1) Being convicted of a felony, SERIOUS MISDEMEANOR or
a crime of moral turpitude in any Federal or state court or
being convicted of the equivalent of a felony in any foreign
country, territory or possession. As used in this paragraph,
the term "convicted" includes a finding or verdict of guilt,
an admission of guilt or a plea of nolo contendere or
receiving probation without verdict, disposition in lieu of
trial or an Accelerated Rehabilitative Disposition in the
disposition of felony charges.

(2) Being found by the board to have committed an act or
acts of immoral or unprofessional conduct.

(3) Violating standards of professional practice or

1 conduct adopted by the board.

2 (4) Presenting false credentials or documents or making
3 a false or misleading statement of fact in support of the
4 appointee's application for appointment.

5 (5) Submitting a false or misleading biennial renewal to
6 the board.

7 (6) Violating a regulation promulgated by the board,
8 including, but not limited to, standards of professional
9 practice and conduct or violating an order of the board
10 previously entered in a disciplinary proceeding.

11 (7) Being unable to act with reasonable skill and safety
12 by reason of illness, drunkenness, excessive use of drugs,
13 narcotics, chemicals or any other type of material or as a
14 result of any mental or physical condition. In enforcing this
15 paragraph, the board shall, upon probable cause, have
16 authority to compel an appointee to submit to a mental or
17 physical examination by a physician approved by the board.
18 Failure of an appointee to submit to an examination when
19 directed by the board, unless the failure is due to
20 circumstances beyond the appointee's control, shall
21 constitute an admission of the allegations against the
22 appointee, consequent upon which a default and final order
23 may be entered without the taking of testimony or
24 presentation of evidence.

25 (8) Failing to meet any requirement for qualification
26 established pursuant to section 3707 (relating to
27 qualifications for appointment).

28 (b) Board action.--When the board finds that the appointment
29 or application for appointment of any individual may be refused,
30 revoked, restricted or suspended under the terms of subsection

1 (a), the board may:

2 (1) Deny the application for an appointment.

3 (2) Administer a public reprimand.

4 (3) Revoke, suspend, limit or otherwise restrict an
5 appointment as determined by the board.

6 (4) Suspend enforcement of its findings thereof and
7 place an appointee on probation with the right to vacate the
8 probationary order for noncompliance.

9 (c) Restoration of suspended appointment.--The board may
10 restore a suspended appointment of an individual if the
11 individual provides to the board evidence sufficient to warrant
12 restoration and the board determines the grounds for suspension
13 have been satisfactorily corrected and the individual otherwise
14 qualifies for appointment. In restoring the appointment, the
15 board may continue to impose limitations and corrective measures
16 the board determines to be necessary to ensure an individual's
17 compliance with the requirements of this chapter.

18 (d) Hearing.--All actions of the board shall be taken
19 subject to the right of notice, hearing and adjudication and the
20 right of appeal therefrom in accordance with 2 Pa.C.S. (relating
21 to administrative law and procedure).

22 (e) Temporary suspension.--The board shall temporarily
23 suspend an appointment under circumstances as determined by the
24 board to be an immediate and clear danger to the public health
25 and safety. The board shall issue an order to that effect
26 without a hearing, but upon due notice to the appointee
27 concerned at the last known address of the appointee, which
28 shall include a written statement of all allegations against the
29 appointee. Subsection (d) shall not apply to temporary
30 suspension. The board shall thereupon commence formal action to

1 suspend, revoke or restrict the appointment of the individual
2 concerned as otherwise provided for in this chapter. All actions
3 shall be taken promptly and without delay. Within 30 days
4 following the issuance of an order temporarily suspending an
5 appointment, the board shall conduct, or cause to be conducted,
6 a preliminary hearing to determine that there is a prima facie
7 case supporting the suspension. The appointee whose appointment
8 has been temporarily suspended may be present at the preliminary
9 hearing and may be represented by counsel, cross-examine
10 witnesses, inspect physical evidence, call witnesses, offer
11 evidence and testimony and make a record of the proceedings. If
12 it is determined that there is not a prima facie case, the
13 suspended appointment shall be immediately restored. The
14 temporary suspension shall remain in effect until vacated by the
15 board, but in no event longer than 180 days.

16 (f) Automatic suspension.--

17 (1) An appointment issued under this chapter shall
18 automatically be suspended upon the legal commitment of an
19 appointee to an institution because of mental incompetence
20 from any cause upon filing with the board of a certified copy
21 of such commitment, conviction of a felony under the act of
22 April 14, 1972 (P.L.233, No.64), known as The Controlled
23 Substance, Drug, Device and Cosmetic Act, or conviction of an
24 offense under the laws of another jurisdiction, which, if
25 committed in this Commonwealth, would be a felony under The
26 Controlled Substance, Drug, Device and Cosmetic Act.

27 (2) Automatic suspension under this section shall not be
28 stayed pending an appeal of legal commitment or conviction.
29 Restoration of such appointment shall be made as provided in
30 subsection (c).

1 (3) The board may act to revoke the appointment of any
2 individual whose actions have caused the individual's
3 appointment to be automatically suspended under this
4 subsection.

5 (4) As used in this paragraph, the term "conviction"
6 shall include a judgment, an admission of guilt or a plea of
7 nolo contendere.

8 § 3710. Reinstatement of appointment.

9 The board shall not reinstate the appointment OF AN
10 INDIVIDUAL which has been revoked ~~of an individual~~ to act as a
11 humane society police officer pursuant to this chapter. Any
12 individual whose appointment has been revoked may apply for
13 reinstatement after a period of at least five years. The
14 appointment of an individual whose appointment is revoked may
15 only be reinstated if the individual provides to the board
16 evidence sufficient to warrant reinstatement and the board
17 determines the individual meets all of the qualifications
18 required to be met under this chapter for appointment as a
19 humane society police officer.

20 § 3711. Surrender of suspended or revoked appointment.

21 The board shall require an individual whose appointment has
22 been suspended or revoked to return the appointment in such
23 manner as the board directs.

24 § 3712. Jurisdiction of humane society police officers.

25 (a) General rule.--An individual appointed as a humane
26 society police officer in accordance with this chapter shall
27 have the power and authority to enforce the provisions of 18
28 Pa.C.S. § 5511 (relating to cruelty to animals) or otherwise
29 perform the functions of the office of humane society police
30 officer anywhere within this Commonwealth.

1 (b) Filing requirement.--Prior to exercising the power and
2 authority set forth by this chapter within a county, each
3 appointed humane society police officer shall file notice along
4 with a copy of the appointment granted under this chapter with
5 the district attorney in each county in which the officer is
6 directed to act by the employing society or association for the
7 prevention of cruelty to animals.

8 § 3713. Penalties.

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

13 (b) Civil penalty.--In addition to any other civil remedy or
14 criminal penalty provided for in this chapter, the board, by a
15 vote of the majority of the maximum number of the authorized
16 membership of the board as provided by law, or by a vote of the
17 majority of the qualified and confirmed membership ~~or a minimum~~ <—
18 ~~of three members, whichever is greater~~, may levy a civil penalty
19 of up to \$1,000 on any current appointee or association or
20 society for the prevention of cruelty to animals who violates
21 any provision of this chapter or on any person who holds himself
22 or herself out as a humane society police officer without being
23 so appointed pursuant to this chapter. The board shall levy this
24 penalty only after affording the accused party the opportunity
25 for a hearing, as provided in 2 Pa.C.S. (relating to
26 administrative law and procedure).

27 (c) Disposition.--All fines and civil penalties imposed in
28 accordance with this section shall be paid into the Humane
29 Society Police Officer Training and Education Account.

30 § 3714. Appointment renewal; fees.

1 (a) Renewal term.--Renewal of appointment shall be on a
2 biennial basis. A society or association for the prevention of
3 cruelty to animals may apply to the board for the renewal of an
4 appointment of an individual as a humane society police officer.
5 The board shall by regulation require evidence of continuing
6 education pursuant to section 3716 (relating to continuing
7 education) as a condition of appointment renewal.

8 (b) Fees.--

9 (1) Except for the fees set forth in paragraph (3), all
10 fees required pursuant to this chapter shall be fixed by the
11 board by regulation and shall be subject to the act of June
12 25, 1982 (P.L.633, No.181), known as the Regulatory Review
13 Act. ~~If the revenues raised by fees, fines and civil~~ ACT. <—

14 (2) IF THE REVENUES RAISED BY FEES, FINES AND CIVIL
15 penalties imposed pursuant to this chapter are not sufficient
16 to meet expenditures over a two-year period, the board shall
17 increase those fees by regulation so that the projected
18 revenues will meet or exceed projected expenditures.

19 ~~(2) If the department determines that the fees~~ <—
20 ~~established by the board pursuant to paragraph (1) are~~
21 ~~inadequate to meet the minimum enforcement efforts required~~
22 ~~by this chapter, then the department, after consultation with~~
23 ~~the board and subject to the Regulatory Review Act, shall~~
24 ~~increase the fees by regulation in an amount so that adequate~~
25 ~~revenues are raised to meet the required enforcement effort.~~

26 (3) The board shall charge the following FEES, SUBJECT <—
27 TO INCREASE AS PROVIDED IN PARAGRAPH (2):

28 (i) Application for appointment - \$50.

29 (ii) Initial appointment - \$100.

30 (iii) Biennial renewal - \$50.

1 § 3715. Training program.

2 (a) Contracts.--The board shall contract with an accredited
3 college or university, including a community college, or other
4 public or private entity for the establishment of a program for
5 the training of individuals to act as humane society police
6 officers.

7 (b) Minimum requirements.--The program for the training of
8 humane society police officers must include, at a minimum, a
9 total of 56 hours of instruction, in accordance with subsection
10 (c).

11 (c) Curriculum.--The program for the training of humane
12 society police officers must provide instruction in the
13 following instructional areas:

14 (1) At least 32 hours of instruction shall be provided
15 on the following:

16 (i) Cruelty to animals laws.

17 (ii) Care and treatment of animals.

18 (iii) Pennsylvania Rules of Criminal Procedure.

19 (iv) Any other areas of instruction as determined by
20 the board.

21 (2) At least 24 hours of instruction shall be provided
22 on the following:

23 (i) Animal husbandry practices constituting normal
24 agricultural operation.

25 (ii) Practices accepted in the agricultural industry
26 in the raising, keeping and production of agricultural
27 animals.

28 (iii) Characteristics of agricultural animals likely
29 evidencing care that is in violation of the cruelty to
30 animals laws.

1 (iv) Proper care and handling of agricultural
2 animals pursuant to enforcement of the cruelty to animals
3 laws.

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

6 (vi) Any other areas of instruction as determined by
7 the board.

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

13 (e) Optional training programs.--A humane society police
14 officer may satisfy the training requirements of subsection (a)
15 and the continuing education requirements of section 3716(b)
16 (relating to continuing education) by successfully completing a
17 training program developed and administered by an accredited
18 college or university or community college or by a public or
19 private entity if the training program has been approved by the
20 board as meeting the requirements of subsections (b), (c) and
21 (d) and section 3716(b). The board shall by regulation establish
22 standards and procedures for approving optional training
23 programs. Pending promulgation of the regulations, the board may
24 adopt interim guidelines for approval of optional training
25 programs.

26 § 3716. Continuing education.

27 (a) Contract.--The board shall contract with an accredited
28 college or university, including a community college, or other
29 public or private entity for the establishment of continuing
30 education programs for humane society police officers. The board

1 shall adopt, promulgate and enforce rules and regulations
2 consistent with the provisions of this chapter establishing
3 requirements of continuing education to be met by individuals
4 appointed as humane society police officers under this chapter
5 as a condition for renewal of their appointment. ~~An individual~~ <—
6 ~~who has failed to complete in the prior appointment period the~~
7 ~~continuing education requirements prescribed in subsection (b)~~
8 ~~shall not be issued a renewal of appointment until the education~~
9 ~~requirements are completed. Such regulations shall include any~~
10 ~~fees necessary for the board to carry out its responsibilities~~
11 ~~under this section.~~

12 (b) Mandatory continuing education.--Beginning with the
13 appointment period designated by regulation, each individual
14 appointed as a humane society police officer pursuant to this
15 chapter shall be required to obtain 10 hours of mandatory
16 continuing education during each two-year appointment period. At
17 least three of the ten hours of instruction must be provided in
18 areas of instruction prescribed in section 3715(c)(2) (relating
19 to training program).

20 (C) COMPLETION AS PREREQUISITE FOR RENEWAL OF APPOINTMENT.-- <—
21 AN INDIVIDUAL WHO HAS FAILED TO COMPLETE IN THE PRIOR
22 APPOINTMENT PERIOD THE CONTINUING EDUCATION REQUIREMENTS
23 PRESCRIBED IN SUBSECTION (B) SHALL NOT BE ISSUED A RENEWAL OF
24 APPOINTMENT UNTIL THE EDUCATION REQUIREMENTS ARE COMPLETED. SUCH
25 REGULATIONS SHALL INCLUDE ANY FEES NECESSARY FOR THE BOARD TO
26 CARRY OUT ITS RESPONSIBILITIES UNDER THIS SECTION.

27 ~~(e)~~ (D) Board notice.--The board shall inform appointees of <—
28 the continuing education requirement prior to the renewal period
29 when continuing education is required.

30 § 3717. Limitation on possession of firearms.

1 No individual appointed as a humane society police officer
2 shall carry, possess or use a firearm in the performance of the
3 officer's duties unless the individual holds a current and valid
4 certification in the use and handling of firearms pursuant to at
5 least one of the following:

6 (1) 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal
7 police education and training).

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

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

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

16 § 3718. Search warrants.

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

23 § 3719. Societies or associations for the prevention of cruelty
24 to animals.

25 It shall be unlawful for any society or association for the
26 prevention of cruelty to animals to employ an individual, either
27 part time or full time, as a humane society police officer who
28 has not obtained an appointment in accordance with this chapter.

29 § 3720. Humane Society Police Officer Training and Education
30 Account.

(a) Establishment.--There is hereby established the Humane Society Police Officer Training and Education Account, a special restricted ~~receipts~~ account within the General Fund.

<—

(b) Sources.--All money paid into the State Treasury under the provisions of this chapter, including, but not limited to, fees, fines and penalties, shall be paid into the Humane Society Police Officer Training and Education Account. ~~Any interest accrued on the account shall be credited to the account for the purpose of meeting the requirements of this chapter.~~

<—

(c) Purpose.--Money and interest in the account ~~shall be appropriated~~ IS HEREBY APPROPRIATED UPON APPROVAL OF THE GOVERNOR TO THE DEPARTMENT for payment of costs of processing appointments and renewals, for the operation of the board and for other general costs of operations relating to this chapter.

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~~(d) Continuing appropriation. The money in the account is continuously appropriated to the account. This appropriation shall not lapse at the end of any fiscal year.~~

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~~(e) Administration. The department shall administer the account.~~

§ 3721. Surcharge and disposition of fines.

(a) Levy and imposition.--In addition to any fines, fees or penalties levied or imposed as provided by law, under this chapter or any other statute, a surcharge shall be levied for disposition in accordance with subsection (b) as follows:

(1) Upon conviction for any violation of 18 Pa.C.S. § 5511 (relating to cruelty to animals), a surcharge of \$100.

(2) Upon conviction for any violation of 18 Pa.C.S. § 5511.1 (relating to live animals as prizes prohibited), a surcharge of \$100.

(3) Upon conviction for any violation of 18 Pa.C.S. §

1 5511.2 (relating to police animals), a surcharge of \$100.

2 (b) Disposition.--Notwithstanding the provisions of 42
3 Pa.C.S. §§ 3571 (relating to Commonwealth portion of fines,
4 etc.) and 3573 (relating to municipal corporation portion of
5 fines, etc.), all surcharges levied and collected under
6 subsection (a) by a division of the unified judicial system
7 existing under section 1 of Article V of the Constitution of
8 Pennsylvania and 42 Pa.C.S. § 301 (relating to unified judicial
9 system) shall be remitted to the Commonwealth for deposit in the
10 Humane Society Police Officer Training and Education Account for
11 the purpose of funding the training program established in
12 section 3715 (relating to training program) and the continuing
13 education program established in section 3716 (relating to
14 continuing education). The surcharges levied and collected under
15 subsection (a) shall not be deposited for the credit or use of,
16 or otherwise allocated, directed or paid to, counties or
17 municipalities under the provisions of 42 Pa.C.S. Ch. 35 Subch.
18 E (relating to fines, etc.) or any other statute, the Crime
19 Victim's Compensation Fund established under section 1101(b)(1)
20 of the act of November 24, 1998 (P.L.882, No.111), known as the
21 Crime Victims Act, the Victim Witness Services Fund established
22 under section 1101(b)(2) of the Crime Victims Act, rape crisis
23 centers, the Emergency Medical Services Operating Fund, domestic
24 violence shelters, the Judicial Computer System Augmentation
25 Account established under 42 Pa.C.S. Ch. 37 Subch. C (relating
26 to judicial computer system) or under any other statute.

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

30 Section 4. This act shall take effect in 60 days.