

**Introduced by Senator Leno**February 21, 2014

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An act to amend Section 830.9 of the Penal Code, relating to animal control officers.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1278, as introduced, Leno. Animal control officers.

Existing law establishes the Commission on Peace Officer Standards and Training within the Department of Justice. Existing law requires the commission to carry out various duties related to the education and training of peace officers, as defined.

Existing law provides that animal control officers are not peace officers but may exercise the powers of arrest of a peace officer and the power to serve warrants, as specified, during the course and within the scope of their employment, if those officers successfully complete a course in the exercise of those powers.

This bill would require every person appointed as an animal control officer prior to July 1, 2015, to complete a course in the exercise of the powers of arrest and to serve warrants no later than July 1, 2016. This bill would require every person appointed as an animal control officer, and every person appointed as a director, manager, supervisor, or any person in charge of an animal control agency, on or after July 1, 2015, to complete a course in the exercise of the powers of arrest and to serve warrants within one year of his or her appointment, as specified. This bill would require every animal control officer, prior to the exercise of the powers of arrest and to serve warrants, to have satisfactorily completed the required course of training.

This bill would also require every animal control officer to satisfactorily complete at least 40 hours of continuing education and

training relating to the powers and duties of an animal control officer, as specified.

By imposing new training requirements on local employees, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 830.9 of the Penal Code is amended to  
2 read:

3 830.9. (a) Animal control officers are not peace officers but  
4 may exercise the powers of arrest of a peace officer as specified  
5 in Section 836 and the power to serve warrants as specified in  
6 Sections 1523 and 1530 during the course and within the scope of  
7 their employment, if those officers successfully complete a course  
8 in the exercise of those powers pursuant to Section 832. ~~That part~~  
9 ~~of the training course specified in Section 832 pertaining to the~~  
10 ~~carrying and use of firearms shall not be required for any animal~~  
11 ~~control officer whose employing agency prohibits the use of~~  
12 ~~firearms.~~

13 (b) *Every person appointed as an animal control officer prior*  
14 *to July 1, 2015, shall complete a course in the exercise of the*  
15 *powers of arrest and to serve warrants pursuant to Section 832*  
16 *no later than July 1, 2016. That part of the training course specified*  
17 *in Section 832 pertaining to the carrying and use of firearms shall*  
18 *not be required for any animal control officer whose employing*  
19 *agency prohibits the use of firearms.*

20 (c) *Every person appointed as an animal control officer on or*  
21 *after July 1, 2015, shall complete a course in the exercise of the*  
22 *powers of arrest and to serve warrants pursuant to Section 832*  
23 *within one year of his or her appointment. That part of the training*  
24 *course specified in Section 832 pertaining to the carrying and use*

1 of firearms shall not be required for any animal control officers  
2 whose employing agency prohibits the use of firearms.

3 (d) Every animal control officer described in this section, prior  
4 to the exercise of the powers of arrest and to serve warrants, shall  
5 have satisfactorily completed the course of training described in  
6 Section 832.

7 (e) Every person appointed as a director, manager, supervisor,  
8 or any person in control of an animal control agency on or after  
9 July 1, 2015, shall complete a course in the exercise of the powers  
10 of arrest and to serve warrants pursuant to Section 832 within one  
11 year of his or her appointment.

12 (f) (1) During each three-year period following the date of  
13 appointment as an animal control officer, every animal control  
14 officer shall satisfactorily complete at least 40 hours of continuing  
15 education and training relating to the powers and duties of an  
16 animal control officer, which education and training shall be  
17 sponsored or provided by an accredited postsecondary institution,  
18 the Commission on Peace Officer Standards and Training, a law  
19 enforcement agency, the National Animal Control Association,  
20 the California Animal Control Directors Association, or the State  
21 Humane Association of California.

22 (2) The minimum hours and required topics of continuing  
23 education and training shall be determined by the California  
24 Animal Control Directors Association.

25 (3) Records of training shall be maintained by the animal control  
26 officer's employing agency.

27 (4) The failure to satisfactorily complete the continuing  
28 education and training requirements under this subdivision within  
29 90 days after the expiration of each three-year period shall result  
30 in the immediate suspension of the authority granted under  
31 subdivision (a).

32 (g) Nothing in this section shall be construed to supersede any  
33 existing training requirements, including, but not limited to, the  
34 training requirements set forth in subdivision (g) of Section 22295.

35 For

36 (h) For the purposes of this section, "firearms" includes capture  
37 guns, blowguns, carbon dioxide operated rifles and pistols, air  
38 guns, handguns, rifles, and shotguns.

39 SEC. 2. If the Commission on State Mandates determines that  
40 this act contains costs mandated by the state, reimbursement to

- 1 local agencies and school districts for those costs shall be made
- 2 pursuant to Part 7 (commencing with Section 17500) of Division
- 3 4 of Title 2 of the Government Code.

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