

AMENDED IN SENATE APRIL 23, 2014

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SENATE BILL

No. 1278

**Introduced by ~~Senator~~ *Senators Leno and Wyland*
(~~Coauthors: Senators Anderson, Knight, and Wyland~~)
(*Coauthors: Senators Anderson and Knight*)**

February 21, 2014

An act to amend Section 30652 of the Food and Agricultural Code, and to amend Section 830.9 of the Penal Code, relating to animal control officers.

LEGISLATIVE COUNSEL'S DIGEST

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

Existing

(1) *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 *direct control* 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 appointed prior to July 1, 2015, to satisfactorily complete at least 40 hours of continuing education and training relating to the powers and duties of an animal control officer, no later than July 1, 2018, and every 3 years thereafter, as specified. The bill would require every animal control officer appointed on or after July 1, 2015, to comply with those requirements within 3 years of the date of his or her appointment, and every 3 years thereafter.

The bill would specify that the above training and continuing training requirements do not apply to an animal control officer who is a peace officer.

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

(2) Existing law provides for the regulation and licensing of dogs, including the issuance of dog license tags. Existing law requires that fees for the issuance of dog license tags and fines collected for a violation of the provisions regulating and licensing dogs be paid into the county, city, or city and county treasury and that they be used for specified purposes, including to pay costs and expenses for the enforcement of those provisions.

This bill would expand the list of purposes for which those fees and fines shall be used to include paying for initial and in-service training for persons charged with enforcing animal control laws, including animal control officers.

~~The~~

(3) 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 30652 of the Food and Agricultural Code*
2 *is amended to read:*

3 30652. All fees for the issuance of dog license tags and all
4 fines collected pursuant to this division shall be paid into the
5 county, city, or city and county treasury, as the case may be, and
6 shall be used:

7 (a) First, to pay fees for the issuance of dog license tags.

8 (b) Second, to pay fees, salaries, costs, expenses, or any or all
9 of them for the enforcement of this division and all ordinances
10 which are made pursuant to this division.

11 (c) Third, to pay damages to owners of livestock which are
12 killed by dogs.

13 (d) Fourth, to pay costs of any hospitalization or emergency
14 care of animals pursuant to Section 597f of the Penal Code.

15 (e) *Fifth, to pay for initial and in-service training for persons*
16 *charged with enforcing animal control laws, including animal*
17 *control officers.*

18 **SECTION 1.**

19 **SEC. 2.** Section 830.9 of the Penal Code is amended to read:

20 830.9. (a) Animal control officers are not peace officers but
21 may exercise the powers of arrest of a peace officer as specified
22 in Section 836 and the power to serve warrants as specified in
23 Sections 1523 and 1530 during the course and within the scope of
24 their employment, if those officers successfully complete a course
25 in the exercise of those powers pursuant to Section 832.

26 (b) (1) Every person appointed as an animal control officer
27 prior to July 1, 2015, shall complete a course in the exercise of the
28 powers of arrest and to serve warrants pursuant to Section 832 no
29 later than July 1, 2016. That part of the training course specified
30 in Section 832 pertaining to the carrying and use of firearms shall
31 not be required for any animal control officer whose employing
32 agency prohibits the use of firearms.

33 (2) An animal control officer who completed a course in the
34 exercise of the powers of arrest and to serve warrants pursuant to
35 Section 832 prior to January 1, 2015, shall be deemed to have
36 satisfied the training requirements described in paragraph (1).

37 (c) Every person appointed as an animal control officer on or
38 after July 1, 2015, shall complete a course in the exercise of the

1 powers of arrest and to serve warrants pursuant to Section 832
2 within one year of his or her appointment. That part of the training
3 course specified in Section 832 pertaining to the carrying and use
4 of firearms shall not be required for any animal control officer
5 whose employing agency prohibits the use of firearms.

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

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

15 (f) (1) During each three-year period following the date
16 described in paragraph (2), every animal control officer shall
17 satisfactorily complete at least 40 hours of continuing education
18 and training relating to the powers and duties of an animal control
19 officer, which education and training shall be sponsored or
20 provided by an accredited postsecondary institution, the
21 Commission on Peace Officer Standards and Training, a law
22 enforcement agency, the National Animal Care and Control
23 Association, the California Animal Control Directors Association,
24 *the* California Veterinary Medical Association, or the State Humane
25 Association of California.

26 (2) Every animal control officer appointed prior to July 1, 2015,
27 shall complete the requirements of paragraph (1) no later than July
28 1, 2018, and every three years thereafter. Every animal control
29 officer appointed on or after July 1, 2015, shall comply with the
30 requirements of paragraph (1) within three years of the date of his
31 or her appointment, and every three years thereafter.

32 (3) The minimum hours and required topics of continuing
33 education and training may be determined by the California Animal
34 Control Directors Association. Continuing education and training
35 shall include at least four hours of course work in the exercise of
36 the powers of arrest and to serve warrants taught by a Commission
37 on Peace Officer Standards and Training certified instructor. *This*
38 *section does not restrict the ability of an agency employing an*
39 *animal control officer from providing the training required by this*
40 *subdivision utilizing instructors or curriculum from within the*

1 *agency or from an allied agency, provided the topic and length of*
2 *instruction otherwise comply with this subdivision.*

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

5 (5) The failure to satisfactorily complete the continuing
6 education and training requirements under this subdivision within
7 90 days after the expiration of each three-year period shall result
8 in the immediate suspension of the authority granted under
9 subdivision (a).

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

13 (h) This section does not apply to an animal control officer who
14 is a peace officer pursuant to Section 830.1.

15 (i) For the purposes of this section, "firearms" includes capture
16 guns, blowguns, carbon dioxide operated rifles and pistols, air
17 guns, handguns, rifles, and shotguns.

18 ~~SEC. 2.~~

19 *SEC. 3.* If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.