

AMENDED IN ASSEMBLY MARCH 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 247

Introduced by Assembly Member Waldron

February 9, 2015

An act to amend Section ~~830~~ of the Penal Code, relating to peace 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

AB 247, as amended, Waldron. ~~Peace officers.~~ *Animal control officers.*

(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, 2016, to complete a course in the exercise of the powers of arrest and to serve warrants no later than July 1, 2017. This bill would require every person appointed as an animal control officer, and every person appointed as a director, manager, or supervisor, or any person in direct control of an animal control agency, on or after July 1, 2016, 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, 2016, 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, 2019, and every 3 years thereafter, as specified. The bill would require every animal control officer appointed on or after July 1, 2016, 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.

(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.

~~Existing law designates which persons are peace officers, and provides that no person is a peace officer if not so designated.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-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 SEC. 2. Section 830.9 of the Penal Code is amended to read:

19 830.9. (a) Animal control officers are not peace officers but
20 may exercise the powers of arrest of a peace officer as specified
21 in Section 836 and the power to serve warrants as specified in
22 Sections 1523 and 1530 during the course and within the scope of
23 their employment, if those officers successfully complete a course
24 in the exercise of those powers pursuant to Section 832. ~~That part~~
25 ~~of the training course specified in Section 832 pertaining to the~~
26 ~~carrying and use of firearms shall not be required for any animal~~
27 ~~control officer whose employing agency prohibits the use of~~
28 ~~firearms.~~

29 (b) (1) Every person appointed as an animal control officer
30 prior to July 1, 2016, shall complete a course in the exercise of
31 the powers of arrest and to serve warrants pursuant to Section
32 832 no later than July 1, 2017. That part of the training course
33 specified in Section 832 pertaining to the carrying and use of
34 firearms shall not be required for any animal control officer whose
35 employing agency prohibits the use of firearms.

1 (2) *An animal control officer who completed a course in the*
2 *exercise of the powers of arrest and to serve warrants pursuant*
3 *to Section 832 prior to January 1, 2016, shall be deemed to have*
4 *satisfied the training requirements described in paragraph (1).*

5 (c) *Every person appointed as an animal control officer on or*
6 *after July 1, 2016, shall complete a course in the exercise of the*
7 *powers of arrest and to serve warrants pursuant to Section 832*
8 *within one year of his or her appointment. That part of the training*
9 *course specified in Section 832 pertaining to the carrying and use*
10 *of firearms shall not be required for any animal control officer*
11 *whose employing agency prohibits the use of firearms.*

12 (d) *Every animal control officer described in this section, prior*
13 *to the exercise of the powers of arrest and to serve warrants, shall*
14 *have satisfactorily completed the course of training described in*
15 *Section 832.*

16 (e) *Every person appointed as a director, manager, or*
17 *supervisor, or any person in direct control of an animal control*
18 *agency, on or after July 1, 2016, shall complete a course in the*
19 *exercise of the powers of arrest and to serve warrants pursuant*
20 *to Section 832 within one year of his or her appointment.*

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

32 (2) *Every animal control officer appointed prior to July 1, 2016,*
33 *shall comply with the requirements of paragraph (1) no later than*
34 *July 1, 2019, and every three years thereafter. Every animal control*
35 *officer appointed on or after July 1, 2016, shall comply with the*
36 *requirements of paragraph (1) within three years of the date of*
37 *his or her appointment, and every three years thereafter.*

38 (3) *The minimum hours and required topics of continuing*
39 *education and training may be determined by the California Animal*
40 *Control Directors Association. Continuing education and training*

1 shall include at least four hours of course work in the exercise of
2 the powers of arrest and to serve warrants taught by a Commission
3 on Peace Officer Standards and Training certified instructor. This
4 section does not restrict the ability of an agency employing an
5 animal control officer from providing the training required by this
6 subdivision utilizing instructors or curriculum from within the
7 agency or from an allied agency, provided the topic and length of
8 instruction otherwise comply with this subdivision.

9 (4) Records of training shall be maintained by the animal control
10 officer’s employing agency.

11 (5) The failure to satisfactorily complete the continuing
12 education and training requirements under this subdivision within
13 90 days after the expiration of each three-year period shall result
14 in the immediate suspension of the authority granted under
15 subdivision (a).

16 (g) This section does not supersede any existing training
17 requirements, including, but not limited to, the training
18 requirements set forth in subdivision (g) of Section 22295.

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

21 ~~For~~

22 (i) For the purposes of this section, “firearms” includes capture
23 guns, blowguns, carbon dioxide operated rifles and pistols, air
24 guns, handguns, rifles, and shotguns.

25 SEC. 3. If the Commission on State Mandates determines that
26 this act contains costs mandated by the state, reimbursement to
27 local agencies and school districts for those costs shall be made
28 pursuant to Part 7 (commencing with Section 17500) of Division
29 4 of Title 2 of the Government Code.

30 SECTION 1. ~~Section 830 of the Penal Code is amended to~~
31 ~~read:~~

32 ~~830. Any person who comes within the provisions of this~~
33 ~~chapter and who otherwise meets all standards imposed by law on~~
34 ~~a peace officer is a peace officer. Notwithstanding any other law,~~
35 ~~only a person designated in this chapter is a peace officer. The~~
36 ~~restriction of peace officer functions of any public officer or~~
37 ~~employee shall not affect his or her status for purposes of~~
38 ~~retirement.~~

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