

Introduced by Senators Anderson and LenoFebruary 17, 2015

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 237, as introduced, Anderson. 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.

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

1 county, city, or city and county treasury, as the case may be, and
2 shall be used:

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

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

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

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

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

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

15 830.9. (a) Animal control officers are not peace officers but
16 may exercise the powers of arrest of a peace officer as specified
17 in Section 836 and the power to serve warrants as specified in
18 Sections 1523 and 1530 during the course and within the scope of
19 their employment, if those officers successfully complete a course
20 in the exercise of those powers pursuant to Section 832. ~~That part~~
21 ~~of the training course specified in Section 832 pertaining to the~~
22 ~~carrying and use of firearms shall not be required for any animal~~
23 ~~control officer whose employing agency prohibits the use of~~
24 ~~firearms. For~~

25 (b) (1) *Every person appointed as an animal control officer*
26 *prior to July 1, 2016, shall complete a course in the exercise of*
27 *the powers of arrest and to serve warrants pursuant to Section*
28 *832 no later than July 1, 2017. That part of the training course*
29 *specified in Section 832 pertaining to the carrying and use of*
30 *firearms shall not be required for any animal control officer whose*
31 *employing agency prohibits the use of firearms.*

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

36 (c) *Every person appointed as an animal control officer on or*
37 *after July 1, 2016, shall complete a course in the exercise of the*
38 *powers of arrest and to serve warrants pursuant to Section 832*
39 *within one year of his or her appointment. That part of the training*
40 *course specified in Section 832 pertaining to the carrying and use*

1 of firearms shall not be required for any animal control officer
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, or
8 supervisor, or any person in direct control of an animal control
9 agency, on or after July 1, 2016, shall complete a course in the
10 exercise of the powers of arrest and to serve warrants pursuant
11 to Section 832 within one year of his or her appointment.

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

23 (2) Every animal control officer appointed prior to July 1, 2016,
24 shall comply with the requirements of paragraph (1) no later than
25 July 1, 2019, and every three years thereafter. Every animal control
26 officer appointed on or after July 1, 2016, shall comply with the
27 requirements of paragraph (1) within three years of the date of
28 his or her appointment, and every three years thereafter.

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

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

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

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

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

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

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