

VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

CHAPTER 858

An Act to amend and reenact §§ 3.1-796.106, 3.1-796.106:1, and 3.1-796.106:2 of the Code of Virginia, relating to humane investigators.

[H 2703]

Approved March 22, 2003

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1-796.106, 3.1-796.106:1, and 3.1-796.106:2 of the Code of Virginia are amended and reenacted as follows:

§ 3.1-796.106. Humane investigators; qualifications; appointment; term; penalty.

A. The Board shall establish by regulation reasonable qualifications for humane investigators. Such qualifications shall include a knowledge of the provisions of this chapter and the regulations adopted pursuant to this chapter. The State Veterinarian shall maintain a current list of persons who have demonstrated that they meet such qualifications and shall make the list available for public inspection.

B. A circuit court may ~~appoint~~ *reappoint* any person as a humane investigator for any locality within its jurisdiction if the person:

1. Is listed by the State Veterinarian as provided in subsection A as being qualified to be *Was appointed as* a humane investigator *prior to July 1, 2003*; and

2. Has never been convicted of animal cruelty or neglect, any felony, or any crime of moral turpitude according to a criminal background check, which shall be performed by the attorney for the Commonwealth at the expense of the person seeking the appointment.

B. A circuit court may *appoint a person to fill a vacancy in that jurisdiction created when a humane investigator who was appointed prior to July 1, 2003, is no longer willing or eligible to be a humane investigator, provided the person seeking appointment:*

1. *Has received a written recommendation from the administrative entity that oversees animal control in the locality where the humane investigator seeks appointment;*

2. *Has never been convicted of animal cruelty or neglect, any felony, or any crime of moral turpitude according to a criminal background check, which shall be performed by the attorney for the Commonwealth at the expense of the person seeking the appointment; and*

3. *Has completed a basic animal control course approved by the Department of Criminal Justice Services and the State Veterinarian pursuant to § 3.1-796.104:1.*

C. A person residing outside the Commonwealth may be appointed as a humane investigator only if he is employed by a humane society located within the locality for which he is seeking appointment;

C. ~~On July 1, 2001, the appointment of every humane investigator who was appointed before July 1, 1998, shall expire. Any humane investigator whose appointment has so expired may be reappointed if he certifies to the appointing court that he has within the preceding three years completed fifteen hours of training in animal care and protection approved by the State Veterinarian.~~

D. ~~Except as provided in subsection C, appointments~~ *Reappointments* of humane investigators shall be for terms of three years. Each humane investigator shall, during each term for which he is appointed, complete ~~fifteen~~ 15 hours of training in animal care and protection approved by the State Veterinarian *for animal control officers*. If a humane investigator is appointed to a succeeding term before or within ~~thirty~~ 30 days after his current term expires, a criminal background check shall not be required. If a humane investigator's term expires and he is not appointed to a succeeding term before or within ~~thirty~~ 30 days after his current term expires, the ~~circuit court that appointed him shall notify the State Veterinarian of the expiration of his humane investigator shall not be appointed to another term.~~

E. Approval of a training course by the State Veterinarian as required by this section shall remain in effect for one year from the approval date, unless the State Veterinarian establishes an earlier date.

F. The State Veterinarian shall remove from the list required by subsection A any person:

1. Who has not been appointed as a humane investigator within three years of having been placed on the list;

2. Whose appointment as a humane investigator has been revoked as provided in § 3.1-796.106:1; or

3. Whose term as a humane investigator has expired, if such person has not been appointed to a succeeding term by the circuit court before or within thirty days after the term expired.

§ 3.1-796.106:1. Revocation of appointment of humane investigators.

A. Upon a motion by the attorney for the Commonwealth, the circuit court that appointed a humane investigator may revoke his appointment if he is no longer able to perform the duties of a humane investigator; has been convicted of any felony, Class 1 misdemeanor, or a violation of any provision of this chapter or any other law regarding animals; or for good cause shown. The court shall notify the State Veterinarian *administrative entity that oversees animal control in the locality where the humane*

investigator was appointed of each such revocation.

~~B. The State Veterinarian~~ Any law-enforcement officer may investigate any allegation that a humane investigator has violated this chapter and report his findings and recommendations to the attorney for the Commonwealth. ~~The State Veterinarian may authorize a State Veterinarian's representative to conduct such investigation. The report shall be held confidential except that the substance of the allegation against the humane investigator shall be disclosed to the humane investigator upon his written request.~~

§ 3.1-796.106:2. Powers and duties of humane investigators.

A. Any humane investigator may, within the locality for which he has been appointed, investigate violations of laws and ordinances regarding care and treatment of animals and disposal of dead animals.

B. Each humane investigator shall carry during the performance of his powers and duties under this chapter an identification card issued by the ~~State Veterinarian~~ *locality where the humane investigator is appointed*. The identification card shall include the following information regarding the humane investigator:

1. His full name;
2. The locality for which he has been appointed;
3. The name of the circuit court that appointed him;
4. The signature of the circuit court judge that appointed him;
5. A photograph of his face; and
6. The date of expiration of his appointment.

C. Each humane investigator shall record on a form approved by the ~~State Veterinarian~~ *administrative entity that oversees animal control* every investigation he performs, maintain such record for five years, and make such record available upon request to any law-enforcement officer, animal control officer or State Veterinarian's representative. Each humane investigator shall file quarterly a report summarizing such records with the ~~State Veterinarian~~ *administrative agency that oversees animal control* on a ~~form~~ *an approved by him form*. A humane investigator's appointment may be revoked as provided in § 3.1-796.106:1 if he fails to file such report.