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## SENATE BILL NO. 930

Offered January 10, 2007

Prefiled January 9, 2007

A BILL to amend and reenact § 3.1-796.106 of the Code of Virginia, relating to humane investigators.

Patrons—Ticer; Delegate: Albo

Referred to Committee on Agriculture, Conservation and Natural Resources

**Be it enacted by the General Assembly of Virginia:****1. That § 3.1-796.106 of the Code of Virginia is amended and reenacted as follows:**

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

A. Each administrative entity that oversees animal control in the locality where humane investigators have been appointed shall maintain a current list of persons who have demonstrated that they meet the qualifications established in subsection B and shall make the list available for public inspection.

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

1. 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;

2. Has received a written recommendation from the administrative entity that oversees animal control in the locality where the humane investigator seeks appointment or from the Humane Society; and

3. Has completed a basic animal control course approved by the State Veterinarian pursuant to § 3.1-796.104:1.

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 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.

D. ~~Reappointments~~ Appointments of humane investigators shall be for terms of three years. Each humane investigator shall, during each term for which he is appointed, complete 15 hours of training in animal care and protection approved for animal control officers. If a humane investigator is appointed to a succeeding term before or within 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 30 days after his current term expires, the humane investigator shall not be appointed to another circuit court that appointed him shall notify the administrative entity that oversees animal control in the locality where the humane investigator was appointed of the expiration of his 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 administrative entity that oversees animal control in the locality 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 30 days after the term expired.

G. Humane investigators shall report to the administrative entity that oversees animal control in the locality; however, humane investigators shall not be under the control or supervision of officers or officials responsible for animal control.

H. The locality in which the humane investigator has been appointed shall reimburse the humane

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**59** *investigator for his approved expenses, including but not limited to, the costs of training.*