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HOUSE BILL NO. 2263

Offered January 14, 2009

Prefiled January 14, 2009

A BILL to amend and reenact §§ 3.2-6500, 3.2-6540, 3.2-6543, 3.2-6558, 9.1-101, and 9.1-102 of the Code of Virginia, to amend the Code of Virginia by adding in Article 5 of Chapter 17 of Title 15.2 sections numbered 15.2-1754 and 15.2-1755, and to repeal §§ 3.2-6555 and 3.2-6556 of the Code of Virginia, relating to oversight of animal control officers.

Patron—Kilgore

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6500, 3.2-6540, 3.2-6543, 3.2-6558, 9.1-101, and 9.1-102 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 5 of Chapter 17 of Title 15.2 sections numbered 15.2-1754 and 15.2-1755 as follows:

§ 3.2-6500. Definitions.

As used in this chapter unless the context requires a different meaning:

"Abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in § 3.2-6503 for a period of five consecutive days.

"Adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

"Adequate exercise" or "exercise" means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

"Adequate feed" means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

"Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors: (i) permit the animals' feet to pass through the openings; (ii) sag under the animals' weight; or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

"Adequate space" means sufficient space to allow each animal to: (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

"Adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species,

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59 condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by
60 naturally occurring states of hibernation or fasting normal for the species; and is provided in clean,
61 durable receptacles that are accessible to each animal and are placed so as to minimize contamination of
62 the water by excrement and pests or an alternative source of hydration consistent with generally
63 accepted husbandry practices.

64 "Adoption" means the transfer of ownership of a dog or a cat, or any other companion animal, from
65 a releasing agency to an individual.

66 "Agricultural animals" means all livestock and poultry.

67 "Ambient temperature" means the temperature surrounding the animal.

68 "Animal" means any nonhuman vertebrate species except fish. For the purposes of § 3.2-6522, animal
69 means any species susceptible to rabies. For the purposes of § 3.2-6570, animal means any nonhuman
70 vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and
71 customary manner.

72 "Animal control officer" means a person appointed as an animal control officer or deputy animal
73 control officer as provided in ~~§ 3.2-6555~~ § 15.2-1754.

74 "Animal shelter" means a facility, other than a private residential dwelling and its surrounding
75 grounds, that is used to house or contain animals and that is owned, operated, or maintained by a
76 nongovernmental entity including a humane society, animal welfare organization, society for the
77 prevention of cruelty to animals, or any other organization operating for the purpose of finding
78 permanent adoptive homes for animals.

79 "Boarding establishment" means a place or establishment other than a pound or animal shelter where
80 companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee.

81 "Collar" means a well-fitted device, appropriate to the age and size of the animal, attached to the
82 animal's neck in such a way as to prevent trauma or injury to the animal.

83 "Commercial dog breeder" means any person who, during any 12-month period, maintains 30 or
84 more adult female dogs for the primary purpose of the sale of their offspring as companion animals.

85 "Companion animal" means any domestic or feral dog, domestic or feral cat, nonhuman primate,
86 guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or
87 native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any
88 animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any
89 animals regulated under federal law as research animals shall not be considered companion animals for
90 the purposes of this chapter.

91 "Consumer" means any natural person purchasing an animal from a dealer or pet shop or hiring the
92 services of a boarding establishment. The term "consumer" shall not include a business or corporation
93 engaged in sales or services.

94 "Dealer" means any person who in the regular course of business for compensation or profit buys,
95 sells, transfers, exchanges, or barter companion animals. The following shall not be considered dealers:
96 (i) any person who transports companion animals in the regular course of business as a common carrier;
97 or (ii) any person whose primary purpose is to find permanent adoptive homes for companion animals.

98 "Direct and immediate threat" means any clear and imminent danger to an animal's health, safety or
99 life.

100 "Dump" means to knowingly desert, forsake, or absolutely give up without having secured another
101 owner or custodian any dog, cat, or other companion animal in any public place including the
102 right-of-way of any public highway, road or street or on the property of another.

103 "Emergency veterinary treatment" means veterinary treatment to stabilize a life-threatening condition,
104 alleviate suffering, prevent further disease transmission, or prevent further disease progression.

105 "Enclosure" means a structure used to house or restrict animals from running at large.

106 "Euthanasia" means the humane destruction of an animal accomplished by a method that involves
107 instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced
108 by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

109 "Exhibitor" means any person who has animals for or on public display, excluding an exhibitor
110 licensed by the U.S. Department of Agriculture.

111 "Facility" means a building or portion thereof as designated by the State Veterinarian, other than a
112 private residential dwelling and its surrounding grounds, that is used to contain a primary enclosure or
113 enclosures in which animals are housed or kept.

114 "Foster care provider" means an individual who provides care or rehabilitation for companion
115 animals through an affiliation with a pound, animal shelter, or other releasing agency.

116 "Foster home" means a private residential dwelling and its surrounding grounds at which site through
117 an affiliation with a pound, animal shelter, or other releasing agency care or rehabilitation is provided
118 for companion animals.

119 "Groomer" means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats
120 for external parasites any animal.

"Home-based rescue" means any person that accepts: (i) more than 12 companion animals; or (ii) more than nine companion animals and more than three unweaned litters of companion animals in a calendar year for the purpose of finding permanent adoptive homes for the companion animals and houses the companion animals in a private residential dwelling or uses a system of housing companion animals in private residential foster homes.

"Humane" means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

"Humane investigator" means a person who has been appointed by a circuit court as a humane investigator as provided in § 3.2-6558.

"Humane society" means any incorporated, nonprofit organization that is organized for the purposes of preventing cruelty to animals and promoting humane care and treatment or adoptions of animals.

"Kennel" means any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

"Law-enforcement officer" means any person who is a full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; caprae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in § 3.2-2600; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

"New owner" means an individual who is legally competent to enter into a binding agreement pursuant to subdivision B 2 of § 3.2-6574, and who adopts or receives a dog or cat from a releasing agency.

"Ordinance" means any law, rule, regulation, or ordinance adopted by the governing body of any locality.

"Other officer" includes all other persons employed or elected by the people of Virginia, or by any locality, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

"Owner" means any person who: (i) has a right of property in an animal; (ii) keeps or harbors an animal; (iii) has an animal in his care; or (iv) acts as a custodian of an animal.

"Pet shop" means an establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

"Poultry" includes all domestic fowl and game birds raised in captivity.

"Pound" means a facility operated by the Commonwealth, or any locality, for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility operated for the same purpose under a contract with any locality or incorporated society for the prevention of cruelty to animals.

"Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

"Properly cleaned" means that carcasses, debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

"Properly lighted" when referring to a facility means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the facility, and observation of the animals; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the facility; and to promote the well-being of the animals.

"Properly lighted" when referring to a private residential dwelling and its surrounding grounds means sufficient illumination to permit routine maintenance and cleaning thereof, and observation of the companion animals; and to provide regular diurnal lighting cycles of either natural or artificial light to promote the well-being of the animals.

"Releasing agency" means a pound, animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue, that releases companion animals for adoption.

"Research facility" means any place, laboratory, or institution licensed by the U.S. Department of

182 Agriculture at which scientific tests, experiments, or investigations involving the use of living animals
183 are carried out, conducted, or attempted.

184 "Sanitize" means to make physically clean and to remove and destroy, to a practical minimum,
185 agents injurious to health.

186 "Sore" means, when referring to an equine, that an irritating or blistering agent has been applied,
187 internally or externally, by a person to any limb or foot of an equine; any burn, cut, or laceration that
188 has been inflicted by a person to any limb or foot of an equine; any tack, nail, screw, or chemical agent
189 that has been injected by a person into or used by a person on any limb or foot of an equine; any other
190 substance or device that has been used by a person on any limb or foot of an equine; or a person has
191 engaged in a practice involving an equine, and as a result of such application, infliction, injection, use,
192 or practice, such equine suffers, or can reasonably be expected to suffer, physical pain or distress,
193 inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not
194 include such an application, infliction, injection, use, or practice in connection with the therapeutic
195 treatment of an equine by or under the supervision of a licensed veterinarian. Notwithstanding anything
196 contained herein to the contrary, nothing shall preclude the shoeing, use of pads, and use of action
197 devices as permitted by 9 C.F.R. Part 11.2.

198 "Sterilize" or "sterilization" means a surgical or chemical procedure performed by a licensed
199 veterinarian that renders a dog or cat permanently incapable of reproducing.

200 "Treasurer" includes the treasurer and his assistants of each county or city or other officer designated
201 by law to collect taxes in such county or city.

202 "Treatment" or "adequate treatment" means the responsible handling or transportation of animals in
203 the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of
204 the animal.

205 "Veterinary treatment" means treatment by or on the order of a duly licensed veterinarian.

206 "Weaned" means that an animal is capable of and physiologically accustomed to ingestion of solid
207 food or food customary for the adult of the species, and has ingested such food, without nursing, for a
208 period of at least five days.

209 § 3.2-6540. (Effective October 1, 2008) Control of dangerous or vicious dogs; penalties.

210 A. As used in this section:

211 "Dangerous dog" means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on
212 a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat.
213 When a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall
214 not be deemed dangerous: (i) if no serious physical injury as determined by a licensed veterinarian has
215 occurred to the dog or cat as a result of the attack or bite; (ii) if both animals are owned by the same
216 person; (iii) if such attack occurs on the property of the attacking or biting dog's owner or custodian; or
217 (iv) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a
218 result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian
219 as part of lawful hunting or participating in an organized, lawful dog handling event. No dog that has
220 bitten, attacked, or inflicted injury on a person shall be found to be a dangerous dog if the court
221 determines, based on the totality of the evidence before it, that the dog is not dangerous or a threat to
222 the community.

223 "Vicious dog" means a canine or canine crossbreed that has: (i) killed a person; (ii) inflicted serious
224 injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or
225 serious impairment of a bodily function; or (iii) continued to exhibit the behavior that resulted in a
226 previous finding by a court or, on or before July 1, 2006, by an animal control officer as authorized by
227 ordinance, that it is a dangerous dog, provided that its owner has been given notice of that finding.

228 B. Any law-enforcement officer or animal control officer who has reason to believe that a canine or
229 canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate
230 serving the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to
231 appear before a general district court at a specified time. The summons shall advise the owner of the
232 nature of the proceeding and the matters at issue. If a law-enforcement officer successfully makes an
233 application for the issuance of a summons, he shall contact the local animal control officer and inform
234 him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous or
235 vicious. The animal control officer shall confine the animal until such time as evidence shall be heard
236 and a verdict rendered. If the animal control officer determines that the owner or custodian can confine
237 the animal in a manner that protects the public safety, he may permit the owner or custodian to confine
238 the animal until such time as evidence shall be heard and a verdict rendered. The court, through its
239 contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If,
240 after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the
241 animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court
242 finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the
243 provisions of § 3.2-6562. The procedure for appeal and trial shall be the same as provided by law for

244 misdemeanors. Trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title
245 19.2. The Commonwealth shall be required to prove its case beyond a reasonable doubt.

246 C. No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely
247 because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed
248 prohibited. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or
249 damage was sustained by a person who was: (i) committing, at the time, a crime upon the premises
250 occupied by the animal's owner or custodian; (ii) committing, at the time, a willful trespass upon the
251 premises occupied by the animal's owner or custodian; or (iii) provoking, tormenting, or physically
252 abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the
253 animal at other times. No police dog that was engaged in the performance of its duties as such at the
254 time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal that,
255 at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its
256 kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous
257 dog or a vicious dog.

258 D. If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal
259 guardian shall be responsible for complying with all requirements of this section.

260 E. The owner of any animal found to be a dangerous dog shall, within 10 days of such finding,
261 obtain a dangerous dog registration certificate from the local animal control officer or treasurer for a fee
262 of \$50, in addition to other fees that may be authorized by law. The local animal control officer or
263 treasurer shall also provide the owner with a uniformly designed tag that identifies the animal as a
264 dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the
265 collar and tag at all times. All certificates obtained pursuant to this subsection shall be renewed annually
266 for the same fee and in the same manner as the initial certificate was obtained. The animal control
267 officer shall provide a copy of the dangerous dog registration certificate and verification of compliance
268 to the State Veterinarian.

269 F. All dangerous dog registration certificates or renewals thereof required to be obtained under this
270 section shall only be issued to persons 18 years of age or older who present satisfactory evidence: (i) of
271 the animal's current rabies vaccination, if applicable; (ii) that the animal has been neutered or spayed;
272 and (iii) that the animal is and will be confined in a proper enclosure or is and will be confined inside
273 the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the
274 proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under
275 this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence
276 that: (i) their residence is and will continue to be posted with clearly visible signs warning both minors
277 and adults of the presence of a dangerous dog on the property; and (ii) the animal has been permanently
278 identified by means of a tattoo on the inside thigh or by electronic implantation. All certificates or
279 renewals thereof required to be obtained under this section shall only be issued to persons who present
280 satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000,
281 that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability
282 insurance, to the value of at least \$100,000.

283 G. While on the property of its owner, an animal found to be a dangerous dog shall be confined
284 indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its
285 escape or direct contact with or entry by minors, adults, or other animals. The structure shall be
286 designed to provide the animal with shelter from the elements of nature. When off its owner's property,
287 an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to
288 cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it
289 from biting a person or another animal.

290 H. The owner of any dog found to be dangerous shall register the animal with the Commonwealth of
291 Virginia Dangerous Dog Registry, as established under § 3.2-6542, within 45 days of such a finding by
292 any appropriate court.

293 The owner shall also cause the local animal control officer to be promptly notified of: (i) the names,
294 addresses, and telephone numbers of all owners; (ii) all of the means necessary to locate the owner and
295 the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person or cat or
296 dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) tattoo or chip identification
297 information or both; (vi) proof of insurance or surety bond; and (vii) the death of the dog.

298 I. After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon
299 learning of same, cause the local animal control authority to be notified if the animal: (i) is loose or
300 unconfined; or (ii) bites a person or attacks another animal; or (iii) is sold, given away, or dies. Any
301 owner of a dangerous dog who relocates to a new address shall, within 10 days of relocating, provide
302 written notice to the appropriate local animal control authority for the old address from which the
303 animal has moved and the new address to which the animal has been moved.

304 J. Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:

1. Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person;

2. Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury; or

3. Class 6 felony if any owner or custodian whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life, and is the proximate cause of such dog or other animal attacking and causing serious bodily injury to any person.

The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

K. The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section is guilty of a Class 1 misdemeanor.

L. All fees collected pursuant to this section, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this section, shall be paid into a special dedicated fund in the treasury of the locality for the purpose of paying the expenses of any training course required under ~~§ 3.2-6556~~ § 15.2-1575.

M. The governing body of any locality may enact an ordinance parallel to this statute regulating dangerous and vicious dogs. No locality may impose a felony penalty for violation of such ordinances.

§ 3.2-6543. Governing body of any locality may adopt certain ordinances.

A. The governing body of any locality of the Commonwealth may adopt, and make more stringent, ordinances that parallel §§ 3.2-6521 through 3.2-6539, 3.2-6546 through ~~3.2-6555~~ 3.2-6554, 3.2-6562, 3.2-6569, 3.2-6570, 3.2-6574 through 3.2-6580, and 3.2-6585 through 3.2-6590.

Any funds collected pursuant to the enforcement of ordinances adopted pursuant to the provisions of this section may be used for the purpose of defraying the costs of local animal control, including efforts to promote sterilization of cats and dogs.

B. Any locality may, by ordinance, establish uniform schedules of civil penalties for violations of specific provisions of ordinances adopted pursuant to this section. Civil penalties may not be imposed for violations of ordinances that parallel § 3.2-6570. Designation of a particular violation for a civil penalty shall be in lieu of criminal sanctions and preclude prosecution of such violation as a criminal misdemeanor. The schedule for civil penalties shall be uniform for each type of specified violation and the penalty for any one violation shall not be more than \$150. Imposition of civil penalties shall not preclude an action for injunctive, declaratory or other equitable relief. Moneys raised pursuant to this subsection shall be placed in the locality's general fund.

An animal control officer or law-enforcement officer may issue a summons for a violation. Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the locality issuing the summons or ticket prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged.

§ 3.2-6558. (Effective October 1, 2008) Humane investigators; qualifications; appointment; term.

A. A circuit court may reappoint 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.

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 Department of Criminal Justice Services~~ pursuant to ~~§ 3.2-6556~~ § 15.2-1575.

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 where he is seeking appointment.

D. Reappointments 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 term.

§ 9.1-101. Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Animal control officer" means a person appointed as an animal control officer or deputy animal control officer as provided in § 15.2-1754.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities employs officers appointed under § 15.2-1737, or special conservators of the peace or special policemen appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers, special conservators or special policemen to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.) of this chapter, but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the Department of Alcoholic Beverage Control; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries; (v) investigator who is a full-time sworn member of the security division of the State Lottery Department; (vi) conservation officer of the Department of Conservation and Recreation commissioned pursuant to

§ 10.1-115; or (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217. Part-time employees are those compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"School resource officer" means a certified law-enforcement officer hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.

"School security officer" means an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining students violating the law or school board policies on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. Establish compulsory training courses for law-enforcement officers in laws and procedures relating to entrapment, search and seizure, evidence, and techniques of report writing, which training shall be completed by law-enforcement officers who have not completed the compulsory training standards set out in subdivision 2, prior to assignment of any such officers to undercover investigation work. Failure to complete the training shall not, for that reason, constitute grounds to exclude otherwise properly admissible testimony or other evidence from such officer resulting from any undercover investigation;

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and for correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and establish the time required for completion of such training;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and with universities, colleges, community colleges, and other institutions, whether located in or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

12. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

13. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

14. Establish compulsory minimum qualifications of certification and recertification for instructors in

criminal justice training schools approved by the Department;

15. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

16. Make recommendations concerning any matter within its purview pursuant to this chapter;

17. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

18. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

19. Conduct audits as required by § 9.1-131;

20. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

21. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

22. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

23. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

24. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

25. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

26. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

27. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

28. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

29. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

30. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

31. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

32. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of

551 money from any governmental unit or public agency, or from any institution, person, firm or
552 corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section
553 shall be detailed in the annual report of the Board. Such report shall include the identity of the donor,
554 the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section
555 shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall
556 have the power to comply with conditions and execute such agreements as may be necessary;

557 33. Make and enter into all contracts and agreements necessary or incidental to the performance of
558 its duties and execution of its powers under this chapter, including but not limited to, contracts with the
559 United States, units of general local government or combinations thereof, in Virginia or other states, and
560 with agencies and departments of the Commonwealth;

561 34. Adopt and administer reasonable regulations for the planning and implementation of programs
562 and activities and for the allocation, expenditure and subgranting of funds available to the
563 Commonwealth and to units of general local government, and for carrying out the purposes of this
564 chapter and the powers and duties set forth herein;

565 35. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

566 36. Establish training standards and publish a model policy for law-enforcement personnel in the
567 handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for
568 determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall
569 provide technical support and assistance to law-enforcement agencies in carrying out the requirements
570 set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of implementation
571 of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

572 37. Establish training standards and publish a model policy for law-enforcement personnel in
573 communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

574 38. Establish compulsory training standards for basic training and the recertification of
575 law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for
576 biased policing;

577 39. Review and evaluate community-policing programs in the Commonwealth, and recommend where
578 necessary statewide operating procedures, guidelines, and standards which strengthen and improve such
579 programs, including sensitivity to and awareness of cultural diversity and the potential for biased
580 policing;

581 40. Publish and disseminate a model policy or guideline that may be used by state and local agencies
582 to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the
583 potential for biased policing;

584 41. —Expired.]

585 42. Establish a Virginia Law-Enforcement Accreditation Center. The Center shall, in cooperation with
586 Virginia law-enforcement agencies, provide technical assistance and administrative support, including
587 staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center
588 may provide accreditation assistance and training, resource material, and research into methods and
589 procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia
590 accreditation status;

591 43. Promote community policing philosophy and practice throughout the Commonwealth by
592 providing community policing training and technical assistance statewide to all law-enforcement
593 agencies, community groups, public and private organizations and citizens; developing and distributing
594 innovative policing curricula and training tools on general community policing philosophy and practice
595 and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia
596 organizations with specific community policing needs; facilitating continued development and
597 implementation of community policing programs statewide through discussion forums for community
598 policing leaders, development of law-enforcement instructors; promoting a statewide community policing
599 initiative; and serving as a statewide information source on the subject of community policing including,
600 but not limited to periodic newsletters, a website and an accessible lending library;

601 44. Establish, in consultation with the Department of Education and the Virginia State Crime
602 Commission, compulsory minimum standards for employment and job-entry and in-service training
603 curricula and certification requirements for school security officers, which training and certification shall
604 be administered by the Virginia Center for School Safety pursuant to § 9.1-184. Such training standards
605 shall include, but shall not be limited to, the role and responsibility of school security officers, relevant
606 state and federal laws, school and personal liability issues, security awareness in the school environment,
607 mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics.
608 The Department shall establish an advisory committee consisting of local school board representatives,
609 principals, superintendents, and school security personnel to assist in the development of these standards
610 and certification requirements;

611 45. Establish training standards and publish a model policy and protocols for local and regional
612 sexual assault response teams;

46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.) of this chapter;

47. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.) of this chapter;

48. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

49. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

50. Establish compulsory training standards and publish a model policy for law-enforcement personnel regarding death notification; and

51. Perform such other acts as may be necessary or convenient for the effective performance of its duties; and

52. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for animal control officers appointed pursuant to § 15.2-1754. Such training and standards shall include, but are not limited to, the requirements set forth in § 15.2-1755. The Department shall also consult with the State Veterinarian on issues relevant to the duties and training of animal control officers. Additionally, the Department shall establish an advisory committee consisting of municipal and county officers, police department and sheriff's representatives, and animal control officers to assist in the development of these standards and certification requirements.

§ 15.2-1754. Position of animal control officer created.

The governing body of each county or city shall, or each town may, employ an officer to be known as the animal control officer, who shall have the power to enforce all laws for the protection of domestic animals and all ordinances for the protection of domestic animals. The governing body may also employ one or more deputy animal control officers to assist the animal control officer in the performance of his duties. Animal control officers and deputy animal control officers shall have knowledge of the animal control and protection laws of the Commonwealth that they are required to enforce. When in uniform or upon displaying a badge or other credentials of office, animal control officers and deputy animal control officers shall have the power to issue a summons or obtain a felony warrant as necessary, providing the execution of such warrant shall be carried out by any law-enforcement officer as defined in § 9.1-101, to any person found in the act of violating any such law or any ordinance enacted pursuant to such law of the locality where the animal control officer or deputy animal control officer is employed. Commercial dog breeding locations shall be subject to inspection by animal control at least twice annually and additionally upon receipt of a complaint or their own motion to ensure compliance with state animal care laws and regulations. The animal control officer and the deputy animal control officers shall be paid as the governing body of each locality shall prescribe.

Any locality where an animal control officer or deputy animal control officers have been employed may contract with one or more additional localities for enforcement of animal protection and control laws by the animal control officers or deputy animal control officers. Any such contract may provide that the locality employing the animal control officer or deputy animal control officers shall be reimbursed a portion of the salary and expenses of the animal control officer or deputy animal control officers.

Every locality employing an animal control officer shall submit to the Department of Criminal Justice Services, on a form provided by it, information concerning the employment and training status of the animal control officers employed by the locality. The Department of Criminal Justice Services may require that the locality notify it of any change in such information.

§ 15.2-1575. Training of animal control officers.

A. Every locality employing animal control officers shall require that every animal control officer and deputy animal control officer complete the following training:

674 1. Within two years from the date of hire, a basic animal control course that has been approved by
675 the Department of Criminal Justice Services. The basic animal control course shall include training in
676 recognizing suspected child abuse and neglect and information on how complaints may be filed and
677 shall be approved and implemented; and

678 2. Every three years, additional training approved by the Department of Criminal Justice Services,
679 15 hours of which shall be training in animal control and protection.

680 The Department of Criminal Justice Services shall develop criteria to be used in approving training
681 courses and shall provide an opportunity for public comment on proposed criteria before the final
682 criteria are adopted.

683 Subdivision 1 shall not apply to animal control officers or deputy animal control officers hired
684 before July 1, 1998. The Department of Criminal Justice Services may grant exemptions from the
685 requirements of subdivision 1 to animal control officers hired on or after July 1, 1998, based on the
686 animal control officer's previous training.

687 The Department of Criminal Justice Services shall work to ensure the availability of these training
688 courses through regional criminal justice training academies or other entities as approved by it. Based
689 on information provided by authorized training entities, the Department of Criminal Justice Services
690 shall maintain the training records for all animal control officers for the purpose of documenting and
691 ensuring that they are in compliance with this subsection.

692 B. Upon cause shown by a locality, the Department of Criminal Justice Services may grant
693 additional time during which the training required by subsection A may be completed by an animal
694 control officer for the locality.

695 C. Any animal control officer who fails to complete the training required by subsection A shall be
696 removed from office, unless the Department of Criminal Justice Services has granted additional time as
697 provided in subsection B.

698 2. That §§ 3.2-6555 and 3.2-6556 of the Code of Virginia are repealed.