

11103312D

SENATE BILL NO. 842

Offered January 12, 2011

Prefiled January 7, 2011

A *BILL to amend and reenact §§ 3.2-6558, 3.2-6559, 3.2-6560, and 3.2-6561 of the Code of Virginia, relating to humane investigators.*

Patrons—Petersen; Delegate: Armstrong

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6558, 3.2-6559, 3.2-6560, and 3.2-6561 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-6558. Humane investigators; qualifications; appointment; term.

A. 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.

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 (i) the administrative entity that oversees animal control in the locality where the humane investigator seeks appointment or (ii) a releasing agency in the locality where the humane investigator seeks appointment, provided that such releasing agency is endorsed by the governing body of the locality or the administrative entity that oversees animal control in the locality;

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 § 3.2-6556.

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~~

B. The administrative entity that oversees animal control in the locality where any humane investigator has been appointed shall screen all candidates eligible for appointment as humane investigators.

C. Appointments of humane investigators shall be for terms of three years. Any humane investigator may be reappointed. 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 The circuit court that appointed a humane investigator shall notify the administrative entity that oversees animal control in the locality where the humane investigator serves 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.~~

§ 3.2-6559. Powers and duties of humane investigators.

A. Any humane investigator may, within the locality where 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 *or certified* by the 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 where 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;

INTRODUCED

SB842

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 administrative entity that oversees animal control every investigation ~~he performs~~ *performed*, 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 administrative agency that oversees animal control on an approved form. A humane investigator's appointment may be revoked as provided in § 3.2-6561 if he fails to file such report.

D. Humane investigators shall be supervised by the same administrative entity that oversees animal control in that locality.

§ 3.2-6560. Expenses of humane investigators.

Neither the appointment of any humane investigator, nor the performance of any service or duty by him, shall require any locality or the Commonwealth to pay any cost or expense incurred by or on behalf of a humane investigator. Any locality may reimburse any humane investigator appointed for that locality for *training and* reasonable expenses incurred as the result of a specific request for services from the locality.

§ 3.2-6561. 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 administrative entity that oversees animal control in the locality where the humane investigator was appointed of such revocation.

B. The administrative entity that oversees animal control in the locality where the humane investigator was appointed may suspend, discharge or restrict the performance of humane investigator appointees for good cause under the same administrative process used for disciplinary actions against animal control officers.

C. 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.

2. That the appointments of humane investigators currently serving upon the effective date of this act shall continue until expiration of such terms.