

1 Introduced by Committee on Agriculture and Forestry

2 Date:

3 Subject: Crimes; animal cruelty; law enforcement; trainings

4 Statement of purpose of bill as introduced: This bill proposes to amend the list
5 of individuals authorized to investigate cases of animal cruelty; require certain
6 individuals to be certified by the Animal Cruelty Investigation Advisory Board
7 in order to conduct animal cruelty investigations; require the Board to maintain
8 an index of humane officers it certifies; and add refresher training requirements
9 to maintain certification to investigate animal cruelty cases.

10 An act relating to animal cruelty investigation response and training

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 13 V.S.A. § 351 is amended to read:

13 § 351. DEFINITIONS

14 As used in this chapter:

15 (1) “Animal” means all living sentient creatures, not human beings.

16 (2) “Secretary” means the Secretary of Agriculture, Food and Markets.

17 (3) “Horse” means the entire family of equidae.

18 (4) “Humane officer” or “officer” means any law enforcement officer as
19 defined in 23 V.S.A. § 4(11)(A); ~~auxiliary State Police officers; deputy game~~
20 ~~wardens; humane society officer, employee, or agent; investigator employed~~

1 by the Office of the Attorney General or State’s Attorney; designated humane
2 society employee certified pursuant to 13 V.S.A. § 356; or animal control
3 officer appointed by the legislative body of a municipality and certified
4 pursuant to 13 V.S.A. § 356; ~~local board of health officer or agent; or any~~
5 ~~officer authorized to serve criminal process.~~

6 (5) “Humane society” or “society for prevention of cruelty to animals”
7 ~~means the Vermont Humane Federation, Inc., or its successor, or any~~
8 ~~incorporated humane society that, through its agents, has the lawful authority~~
9 ~~to interfere with acts of cruelty to animals~~ means a private, nonprofit animal
10 care agency registered and in good standing with the Vermont Secretary of
11 State.

12 * * *

13 Sec. 2. 13 V.S.A. § 356 is amended to read:

14 § 356. HUMANE OFFICER REQUIRED TRAINING; CERTIFICATION

15 (a) To perform the legal functions of a humane officer, a designated
16 humane society employee or animal control officer appointed by the legislative
17 body of a municipality ~~All humane officers as defined in subdivision 351(4) of~~
18 ~~this title shall complete a certification program on animal cruelty investigation~~
19 ~~training as developed and approved by the Animal Cruelty Investigation~~
20 ~~Advisory Board~~ the animal cruelty response training as required by 20 V.S.A.
21 § 2365b.

1 **(b) The animal cruelty response training as required by 20 V.S.A. § 2365b**
2 **shall be open only to individuals who are a designated humane society**
3 **employee or an animal control officer appointed by the legislative body of a**
4 **municipality and shall be conducted on a periodic basis by qualified instructors**
5 **as determined by the Animal Cruelty Investigations Advisory Board.**

6 **(c) A designated humane society employee or an animal control officer**
7 **appointed by the legislative body shall, upon termination of employment, no**
8 **longer be authorized to perform the legal functions of a humane officer, unless**
9 **and until the individual is one again a designated humane society employee or**
10 **animal control officer.**

11 ~~(1) On or before January 1, 2022, and annually thereafter, the Animal~~
12 ~~Cruelty Investigation Advisory Board shall:~~

13 ~~(A) at the request of a humane society as defined in section 351 of~~
14 ~~this title, certify a designated employee of the humane society as a humane~~
15 ~~officer if the employee completes the animal cruelty response training as~~
16 ~~required by 20 V.S.A. § 2365b; and~~

17 ~~(B) at the request of the legislative body of a municipality, certify the~~
18 ~~municipality's animal control officer if the animal control officer completes~~
19 ~~the animal cruelty response training as required by 20 V.S.A. § 2365b.~~

20 ~~(2) The Board shall review each humane officer certified pursuant to~~
21 ~~this subsection (b) on an annual basis to ensure the officer has completed the~~

1 ~~required trainings. The Board may revoke the certification of a humane officer~~
2 ~~if the humane officer fails to complete required trainings, if the humane officer~~
3 ~~is no longer employed by the humane society or municipality, or if the Board~~
4 ~~otherwise determines the interest of justice requires the revocation.~~

5 (d) The Animal Cruelty Investigation Advisory Board shall keep and
6 annually update a publicly available index of individuals who have completed
7 the animal cruelty response training as required by 20 V.S.A. § 2365b.~~certifies~~
8 ~~as humane officers pursuant to this section.~~

9 Sec. 3. 20 V.S.A. § 2365b is amended to read:

10 § 2365b. ANIMAL CRUELTY RESPONSE TRAINING

11 (a) As part of basic training in order to become certified as a Level II and
12 Level III law enforcement officer, and as required to conduct animal cruelty
13 investigations pursuant to 13 V.S.A. chapter 8, a person shall receive a ~~two~~
14 ~~four~~ four-hour training module on animal cruelty investigations as developed and
15 approved by the Animal Cruelty Investigation Advisory Board and approved
16 and administered by the Vermont Criminal Justice Training Council~~and the~~
17 ~~Animal Cruelty Investigation Advisory Board.~~

18 (b) On or before December 31, 2021 2022, Level II and Level III law
19 enforcement officers and non law-enforcement humane officers as defined by
20 13 V.S.A. 351 shall complete an animal cruelty response training as developed
21 and approved by the Animal Cruelty Investigation Advisory Board and

1 approved and administered by the Vermont Criminal Justice Training Council
2 receive a minimum of two hours of training as required by this section.

3 (c) In order to maintain humane officer certification, or Level II or Level
4 III law enforcement certification, non-law enforcement humane officers and
5 law enforcement officers shall receive may be required to complete a refresher
6 course on the training required by this section on a periodic basis, if developed
7 and approved by the Animal Cruelty Investigation Advisory Board and
8 approved and administered by the Vermont Criminal Justice Training Council.

9 (d) On or before January 1, 2023, and each year thereafter, and every fourth
10 year thereafter, the Criminal Justice Training Council shall report to the
11 Animal Cruelty Investigation Advisory Board regarding the individuals who
12 completed implementation of all trainings as required by this section.

13 Sec. 4. 24 V.S.A. § 1943 is amended to read:

14 § 1943. ANIMAL CRUELTY INVESTIGATION ADVISORY BOARD

15 * * *

16 (c) Duties. The Board shall exercise oversight over Vermont's system for
17 investigating and responding to animal cruelty complaints and develop a
18 systematic, collaborative approach to providing the best services to Vermont's
19 animals statewide, given monies available. In carrying out its responsibilities
20 under this subsection, the Board shall:

1 (1) identify and monitor the extent and scope of any deficiencies in
2 Vermont's system of investigating and responding to animal cruelty
3 complaints;

4 (2) work with the Department of Public Safety to study the feasibility of
5 designating one law enforcement agency to receive, dispatch, and document
6 the outcome of animal cruelty complaints and, with the assistance of the
7 Vermont Sheriffs' Association, develop a uniform response protocol for
8 assigning complaints to the appropriate local law enforcement agencies;

9 (3) ensure that investigations of serious animal cruelty complaints are
10 systematic and documented, and develop written standard operating procedures
11 and checklists to support the objective investigation of cruelty complaints that
12 include objective measures of both environmental and clinical evidence of
13 cruelty;

14 (4) ensure that requests for voluntary compliance are made in writing,
15 with clear requests and timelines, and include a timeline for the investigator to
16 perform a follow up visit to confirm actions taken;

17 (5) develop a guide for animal cruelty prosecution, including a review of
18 current sentencing recommendations for State's Attorneys;

19 (6) research the feasibility of developing and implementing an animal
20 cruelty prevention and education program for offenders to be used as a part of
21 offenders' sentencing;

- 1 (7) explore potential private and public sources of funding for animal
2 cruelty investigations, including animal care expenses;
- 3 (8) develop trainings, protocols, procedures, and guidance documents for
4 agencies engaging in animal welfare responsibilities;
- 5 (9) develop and identify funding sources for an animal cruelty
6 investigation certification program for humane officers in accordance with 13
7 V.S.A. § 356, and develop a standard by which a person who has been actively
8 engaged in this State as a humane officer conducting animal cruelty
9 investigations for at least five years preceding July 1, 2017 may become
10 certified without completion of the certification program requirements;
- 11 (10) identify funding sources for the training requirement under 20
12 V.S.A. § 2365b;
- 13 (11) develop recommendations for providing liability protection and
14 reducing uncompensated costs to animal shelters and animal welfare groups
15 that assist law enforcement authorities in animal cruelty investigations;
- 16 (12) explore changing the annual deadline for dog licensure under 20
17 V.S.A. § 3582 better to align with the time of year dogs require annual
18 veterinary care; and
- 19 (13) determine what should appropriately constitute an enforcement
20 action triggering the obligation of the Agency of Agriculture, Food and
21 Markets to assist law enforcement pursuant to 13 V.S.A. § 354(a); and

