

Current:

4) "Humane officer" or "officer" means any law enforcement officer as defined in 23 V.S.A. § 4(11); auxiliary State Police officers; deputy game wardens; humane society officer, employee, or agent; animal control officer appointed by the legislative body of a municipality; local board of health officer or agent; or any officer authorized to serve criminal process.

Proposed:

"Humane officer" or "officer" means any law enforcement officer as defined in 23 V.S.A. § 4(11) or 20 V.S.A. § 2351a; an investigator of the Criminal Division of the Attorney General's office or investigator of a State's Attorney's office; humane special agent certified under 13 V.S.A. § 356(e) to investigate acts of cruelty to animals; or an **animal control officer****** appointed by the legislative body of a municipality certified under 13 V.S.A. § 356(b).

******Individuals Appointed as an Animal Control Officer by a Legislative Body of a Municipality**

Further, we acknowledge that some municipalities do not wish to have their designed animal control officer responsible for investigating acts of animal cruelty and may bristle at the thought of any statutory mandate requiring the animal control officer to investigate animal cruelty complaints or to take on the financial burden of maintaining certification through initial and ongoing training. We believe that there is a statutory amendment that would address both sides of this issue; it would allow a municipality who wishes to authorize their ACO to enforce the animal cruelty statute to do so with proper certification and training and it would allow a municipality to decline to authorize their ACO to enforce the animal cruelty statute and refer all complaints

Current:

§ 356. Humane officer required training

All humane officers as defined in subdivision 351(4) of this title shall complete a certification program on animal cruelty investigation training as developed and approved by the Animal Cruelty Investigation Advisory Board.

Proposed:

§ 356. Humane officer required certification; training

(a) All law enforcement officers as defined in 23 V.S.A. § 4(11) or 20 V.S.A. § 2351a or an investigator of the Criminal Division of the Attorney General's office or investigator of a State's Attorney's office shall successfully complete training as developed and approved by the Animal Cruelty Investigation Advisory Board and administered by the Vermont Criminal Justice Training Council.

(b) At the request of a legislative body of a municipality, the Vermont Criminal Justice Training Council may certify an animal control officer to enforce this Chapter if:

(1) The animal control officer attends and successfully completes the certification program on animal cruelty investigation training as developed and approved by the Animal Cruelty Investigation Advisory Board and administered by the Vermont Criminal Justice Training Council and;

(2) The animal control officer completes any required periodic training to maintain certification as developed and approved by the Animal Cruelty Investigation Advisory Board and administered by the Vermont Criminal Justice Training Council.

(c) Before granting a certification under this section, the Vermont Criminal Justice Training Council may require the animal control officer to take and subscribe to an oath of office to support the Constitution and laws of the United States and of the State of Vermont, and to honestly and faithfully perform the duties of a humane special agent.

(d) Animal control officers certified under this section serve at the sole expense of the legislative body of the municipality and the municipality agrees to save harmless and indemnify the State of Vermont and its officers, employees and agents from and against any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission of the municipality's animal control officer, that relates to or results from the authority granted by 13 V.S.A. § 354(b) ("Any humane officer as defined in section 351 of this title may enforce this chapter.").

(e) At the request of an incorporated humane society, the Vermont Criminal Justice Training Council may certify a designated employee of an incorporated humane society as a humane special agent if:

(1) The employee attends and successfully completes the certification program on animal cruelty investigation training as developed and approved by the Animal Cruelty Investigation Advisory Board and administered by the Vermont Criminal Justice Training Council and;

(2) The employee completes any required periodic training to maintain certification as developed and approved by the Animal Cruelty Investigation Advisory Board and administered by the Vermont Criminal Justice Training Council.

(f) Before granting a certification under this section, the Vermont Criminal Justice Training Council may require the employee to take and subscribe to an oath of office to support the Constitution and laws of the United States and of the State of Vermont, and to honestly and faithfully perform the duties of a humane special agent.

(g) Humane special agents certified under this section serve at the sole expense of the incorporated humane society employing the agent and the incorporated humane society agrees to save harmless and indemnify the State of Vermont and its officers, employees and agents from and against any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission of the employee of the incorporated humane society, that relates to or results from the authority granted by 13 V.S.A. § 354(b) (“Any humane officer as defined in section 351 of this title may enforce this chapter.”).

Current:

(5) "Humane society" or "society for prevention of cruelty to animals" means the Vermont Humane Federation, Inc., or its successor, or any incorporated humane society that, through its agents, has the lawful authority to interfere with acts of cruelty to animals.

Proposed:

(5) “Incorporated humane society” means a private, nonprofit animal care agency registered and in good standing with the Secretary of State’s Office.