

1 H.421

2 Introduced by Committee on Agriculture and Forestry

3 Date:

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

5 Statement of purpose of bill as introduced: This bill proposes to amend the list
6 of individuals authorized to investigate cases of animal cruelty; require
7 humane officers to receive trainings approved by the Animal Cruelty
8 Investigation Advisory Board; require the Board to maintain an index of
9 humane officers who have received the trainings; and allow the Board to create
10 refresher training requirements for humane officers.

11 An act relating to animal cruelty investigation response and training

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

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

14 § 351. DEFINITIONS

15 As used in this chapter:

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

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

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

19 (4) “Humane officer” or “officer” means:

1 (A) any law enforcement officer as defined in 23 V.S.A. § 4(11)(A);
2 ~~auxiliary State Police officers; deputy game wardens; humane society officer;~~
3 ~~employee, or agent; or investigator employed by the Office of the Attorney~~
4 ~~General or State’s Attorney; or~~

5 (B) an individual who has received the training required by section
6 356 of this title who is:

7 (i) a designated humane society employee; or

8 (ii) an animal control officer appointed by the legislative body of
9 ~~a municipality; local board of health officer or agent; or any officer authorized~~
10 ~~to serve criminal process who is authorized by the legislative body to perform~~
11 the duties and functions of a humane officer.

(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~~ a private, nonprofit animal care
~~agency~~ facility registered and in good standing with the Vermont Secretary of
State.

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

2 § 356. HUMANE OFFICER REQUIRED TRAINING; AUTHORIZATION
3 TO PERFORM DUTIES

4 (a) All humane officers as defined in subdivision 351(4)(B) of this title
5 shall complete a ~~certification program on animal cruelty investigation training~~
6 ~~as developed and approved by the Animal Cruelty Investigation Advisory~~
7 ~~Board~~ the animal cruelty response training as required by 20 V.S.A. § 2365b in
8 order to serve in the capacity of a humane officer.

9 (b) A humane officer as defined in subdivision 351(4)(B) shall be
10 authorized to serve as a humane officer if the humane officer is employed by a
11 humane society or a municipality and has completed the trainings as required
12 by this section and by 20 V.S.A. § 2365b. Upon termination of employment
13 from the humane society or municipality through which they were authorized
14 to serve, the person shall no longer be authorized to perform the legal
15 functions of a humane officer.

16 (c) The Animal Cruelty Investigation Advisory Board shall keep and at
17 least annually update an index of individuals who have completed the animal
18 cruelty response training as required by this section and by 20 V.S.A. § 2365b.

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

20 § 2365b. ANIMAL CRUELTY RESPONSE TRAINING

1 (a) As part of basic training in order to become certified as a Level II and
2 Level III law enforcement officer, a person shall receive a ~~two-hour~~ training
3 module on animal cruelty investigations as developed and approved by the
4 Animal Cruelty Investigation Advisory Board and approved and administered
5 by the Vermont Criminal Justice Training Council and the Animal Cruelty
6 Investigation Advisory Board.

7 (b) On or before December 31, 2023, humane officers as defined in
8 13 V.S.A. § 351(4)(B) shall complete an animal cruelty response training as
9 developed and approved by the Animal Cruelty Investigation Advisory Board
10 and approved and administered by the Vermont Criminal Justice Council. The
11 Council shall provide the training only to designated humane society
12 employees, animal control officers appointed by the legislative body of a
13 municipality, and other humane officers as defined in 13 V.S.A. § 351(4). The
14 trainings shall be conducted on a periodic basis by qualified instructors as
15 determined by the Animal Cruelty Investigation Advisory Board.

16 (c) The Animal Cruelty Investigation Advisory Board may elect to require
17 that humane officers as defined in 13 V.S.A. § 351(4)(B) complete a refresher
18 course on the training required by this section on a periodic basis. Such
19 refresher training shall be developed and approved by the Animal Cruelty
20 Investigation Advisory Board and approved and administered by the Vermont
21 Criminal Justice Council.

1 (d) On or before January 1, 2024 and annually thereafter, the Vermont
2 Criminal Justice Council shall provide the Animal Cruelty Investigation
3 Advisory Board with a list of the individuals that completed the trainings as
4 required by this section.

5 ~~Sec. 4. EFFECTIVE DATE~~

6 ~~This act shall take effect on July 1, 2021.~~

Sec. 4. 13 V.S.A. § 365 is amended to read:

§ 365. SHELTER OF ANIMALS

(a) Adequate shelter. All livestock and animals that are to be predominantly maintained in an outdoor area shall be provided with adequate natural shelter or adequate constructed shelter to prevent direct exposure to the elements. Pursuant to section 351b of this title, this section shall not apply to livestock and poultry husbandry practices for raising, management, and use of animals.

(b) Shelter for livestock.

(1) Livestock animals confined in enclosed areas shall be provided with adequate ventilation and shall have access to adequate exercise. Equines housed within a designated space continually, without access to a paddock, turn out, or other exercise area, shall be provided the opportunity for periodic exercise, either through free choice or through a forced work program, to maintain normal muscle tone and mass for the age, size, and condition of the

animal or in accordance with accepted agricultural or veterinary practices. Nothing in this section shall control dairy herd housing facilities, either loose housing, comfort tie-stall, or stanchion lockups, or other housing under control of the Agency of Agriculture, Food and Markets. ~~This subdivision shall not apply to any accepted housing or grazing practices for any livestock industry.~~

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Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2021.