

Introduced by Committee on Agriculture and Forestry

Date:

Subject: Crimes; animal cruelty; law enforcement; trainings

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

An act relating to animal cruelty investigation response and training

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

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

§ 351. DEFINITIONS

As used in this chapter:

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

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

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

(4) “Humane officer” or “officer” means any law enforcement officer as defined in 23 V.S.A. § 4(11)(A); ~~auxiliary State Police officers; deputy game 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) All humane officers as defined in subdivision 351(4) of this title shall  
16 ~~complete a certification program on animal cruelty investigation training as~~  
17 ~~developed and approved by the Animal Cruelty Investigation Advisory Board~~  
18 the animal cruelty response training as required by 20 V.S.A. § 2365b.

19 (b)(1) On or before January 1, 2021, and annually thereafter, the Animal  
20 Cruelty Investigation Advisory Board shall:

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

5           (B) at the request of the legislative body of a municipality, certify the  
6           municipality’s animal control officer if the animal control officer completes  
7           the animal cruelty response training as required by 20 V.S.A. § 2365b.

8           (2) The Board shall review each humane officer certified pursuant to  
9           this subsection (b) on an annual basis to ensure the officer has completed the  
10          required trainings. The Board may revoke the certification of a humane officer  
11          if the humane officer fails to complete required trainings, if the humane officer  
12          is no longer employed by the humane society or municipality, or if the Board  
13          otherwise determines the interest of justice requires the revocation.

14          (c) The Animal Cruelty Investigation Advisory Board shall keep and  
15          annually update an index of individuals it certifies as humane officers pursuant  
16          to this section.

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

18          § 2365b. ANIMAL CRUELTY RESPONSE TRAINING

19          (a) As part of basic training in order to become certified as a Level II and  
20          Level III law enforcement officer, and as required to conduct animal cruelty  
21          investigations pursuant to 13 V.S.A. chapter 8, a person shall receive a

1 two-hour training module on animal cruelty investigations as developed and  
2 approved by the Animal Cruelty Investigation Advisory Board and approved  
3 and administered by the Vermont Criminal Justice Training Council~~and the~~  
4 ~~Animal Cruelty Investigation Advisory Board.~~

5 (b) On or before December 31, 2020, Level II and Level III law  
6 enforcement officers and humane officers as defined by 13 V.S.A. § 351 shall  
7 receive a minimum of two hours of training as required by this section.

8 (c) In order to maintain humane officer certification or Level II or Level III  
9 law enforcement certification, humane officers and law enforcement officers  
10 shall receive a refresher course on the training required by this section during  
11 every fourth year in a program developed and approved by the Animal Cruelty  
12 Investigation Advisory Board and approved and administered by the Vermont  
13 Criminal Justice Training Council.

14 (d) On or before January 1, 2021, and every fourth year thereafter, the  
15 Criminal Justice Training Council shall report to the Animal Cruelty  
16 Investigation Advisory Board regarding the implementation of all trainings as  
17 required by this section.

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

19 § 1943. ANIMAL CRUELTY INVESTIGATION ADVISORY BOARD

20 \* \* \*

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

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

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

14 (3) ensure that investigations of serious animal cruelty complaints are  
15 systematic and documented, and develop written standard operating procedures  
16 and checklists to support the objective investigation of cruelty complaints that  
17 include objective measures of both environmental and clinical evidence of  
18 cruelty;

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

1           (5) develop a guide for animal cruelty prosecution, including a review of  
2           current sentencing recommendations for State’s Attorneys;

3           (6) research the feasibility of developing and implementing an animal  
4           cruelty prevention and education program for offenders to be used as a part of  
5           offenders’ sentencing;

6           (7) explore potential private and public sources of funding for animal  
7           cruelty investigations, including animal care expenses;

8           (8) develop trainings, protocols, procedures, and guidance documents for  
9           agencies engaging in animal welfare responsibilities;

10          (9) develop and identify funding sources for an animal cruelty  
11          investigation certification program for humane officers in accordance with 13  
12          V.S.A. § 356, and develop a standard by which a person who has been actively  
13          engaged in this State as a humane officer conducting animal cruelty  
14          investigations for at least five years preceding July 1, 2017 may become  
15          certified without completion of the certification program requirements;

16          (10) identify funding sources for the training requirement under 20  
17          V.S.A. § 2365b;

18          (11) develop recommendations for providing liability protection and  
19          reducing uncompensated costs to animal shelters and animal welfare groups  
20          that assist law enforcement authorities in animal cruelty investigations;

(14) exercise its authority to certify designated humane society employees and municipal animal control officers as humane officers and maintain an index of the humane officers it certifies pursuant to 13 V.S.A. § 356.

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## Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2020.