
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: AB 2349 **Hearing Date:** May 15, 2018
Author: Chen
Version: February 13, 2018
Urgency: No **Fiscal:** No
Consultant: GC

Subject: *Humane Officers: Authorization to Carry a Wooden Club or Baton*

HISTORY

Source: State Humane Association of California

Prior Legislation: AB 1023 (Cancimilla), Ch. 527, Stats. 2001
AB 2245 (Soto), Ch. 96, Stats. 2008

Support: Unknown

Opposition: None known

Assembly Floor Vote: 70 - 0

PURPOSE

The purpose of this bill is to authorize a humane officer to carry a wooden club or baton if he or she has satisfactorily completed the Commission on Peace Officer Standards and Training (POST) course of instruction on the carrying and use of a baton, and if authorized by his or her appointing society.

Existing law provides that no entity, other than a humane society or society for the prevention of cruelty to animals, shall be eligible to petition for confirmation of an appointment of any individual as a humane officer, the duty of which shall be the enforcement of the laws for the prevention of cruelty to animals. (Corp. Code, § 14502, subd. (a)(1)(A)(i).)

Existing law states that a level 1 humane officer is not a peace officer, but may exercise the powers of a peace officer at all places within the state in order to prevent the perpetration of any act of cruelty upon any animal and to that end may summon to his or her aid any bystander. A level 1 humane officer may use reasonable force necessary to prevent the perpetration of any act of cruelty upon any animal. (Corp. Code, § 14502, subd. (h)(1)(A).)

Existing law provides that a level 1 humane officer may make arrests for the violation of any penal law of this state relating to or affecting animals in the same manner as any peace officer and may serve search warrants. (Corp. Code, § 14502, subd. (h)(1)(B).)

Existing law authorizes a level 1 humane officer to carry a firearm while exercising the duties of a humane officer upon satisfactory completion of specified training requirements. (Corp. Code, § 14502, subd. (h)(1)(C).)

Existing law provides that a level 1 humane officer may carry a firearm only if authorized by, and only under the terms and conditions specified by, his or her appointing agency. (Corp. Code, § 14502, subd. (h)(1)(F)(i).)

Existing law allows certain officers and guards to carry a club or baton after specified training. Persons authorized include:

- 1) A police officer, special police officer, peace officer, or law enforcement officer if trained by the Commission on Peace Officers Standards and Training (POST) in the use of a club or baton; (Pen. Code § 22295, subd (a).)
- 2) A uniform security guard within the scope of his or her employment if trained in the use of a club or baton by an institution licensed by the Department of Consumer Affairs (DCA); (Pen. Code § 22295, subd (b).)
- 3) A county sheriff's or police security officer upon completion of POST training in the use of a club or baton within 90 days of employment. If after 90 days, the officer must complete the training program certified by DCA, and obtain a permit from DCA; and, (Pen. Code § 22295, subd (f).)
- 4) An animal control officer upon completion of a course for carrying and use of a club or baton certified by the DCA. (Pen. Code § 22295, subd (g).)

This bill provides that a humane officer may carry a wooden club or baton if he or she has satisfactorily completed the Commission on Peace Officer Standards and Training (POST) course of instruction on the carrying and use of a baton, and if authorized by his or her appointing society.

COMMENTS

1. Need for This Bill

According to the author:

Humane Officers (HOs) are authorized to exercise the powers of a peace officer to prevent animal cruelty, including the power to use reasonable force. Moreover, HOs who have completed the arrest portion of the POST's PC 832 course may make arrests and serve warrant. Currently, humane officers do not have the specific authorization that animal control officers have to receive baton training from POST. Like animal control officers, humane officers need access to this training to provide them with an important tool for protecting themselves, the public, and animals in the field.

Animal Control Officers (ACOs) are authorized under current law to be trained to carry a baton in the course of their work. They receive this training through POST. In many instances, ACOs respond to dangerous situations involving people and animals, and may have limited means to protect themselves. Batons, when used properly by trained professionals, can be a matter of preventing severe injury or even death.

Like ACOs, Human Officers (HOs) respond to dangerous situations involving people and animals. There are two types of HOs: Level 1 and Level 2. Level 1 HOs receive baton training when they take the basic training for level 1 reserve officers offered by POST. They may also carry firearms. Level 2 HOs, on the other hand, are not specifically authorized to take the POST training to carry a baton although they are authorized to exercise the powers of a peace officer to prevent animal cruelty, including the power to use reasonable force. Moreover, HOs who have completed the arrest portion of the POST's PC 832 course may make arrests and serve warrants.

2. Effect of This Bill

This bill would amend Penal Code § 14502 to permit a humane officer to carry a wooden club or baton if he or she has satisfactorily completed the course instruction certified by the Commission on Peace Officer Standards and Training (POST) in the carrying and use of the club or baton. Additionally, the humane officer may carry a wooden club or baton only if authorized by his or her superiors.

Under current law humane officers have a number of powers including limited powers of arrest, the ability to serve warrants, and the ability to carry firearms if they comply with specified training requirements. The right to carry a baton or a wooden club is consistent with the existing powers granted humane officers.

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