
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair
2019 - 2020 Regular

Bill No: AB 1125 **Hearing Date:** July 2, 2019
Author: Cooley
Version: May 29, 2019
Urgency: No **Fiscal:** No
Consultant: MK

Subject: *Animal Control Officer Standards Act*

HISTORY

Source: California Animal Welfare Association

Prior Legislation: None

Support: County of Los Angeles

Opposition: Animal Issues Movement; Social Compassion in Legislation

Assembly Floor Vote: 70 - 1

PURPOSE

The purpose of this bill is to establish the Animal Control Standards Act for the purpose of developing and maintaining standards for the certification of an Animal Control Officer (ACO).

Existing law provides that animal control officers (ACO) are not peace officers but may exercise the powers of arrest of a peace officer and the power to serve warrants during the course and within the scope of their employment, if those officers successfully complete the Commission on Peace Officer Standards and Training (POST) course in the exercise of those powers. The training course pertaining to the carrying and use of firearms shall not be required of any animal control officer whose employing agency prohibits the use of firearms. (Penal Code §830.9)

Existing law states that an ACO, when necessary for performing his or her official duties, shall provide a compelling reason to any criminal justice agency to obtain state summary criminal history information. (Penal Code § 11105.7)

Existing law establishes the Code Enforcement Officers Standards Act (CEOSA) which requires the Board of Directors of the California Association of Code Enforcement Officers (CACEO) to develop and maintain standards for the designation of Certified Code Enforcement Officers (CCEO's). (Health & Safety Code §26205)

This bill provides that “CalAnimals” means the California Animal Welfare Association, a public benefit corporation domiciled in California.

This bill provides that “certified animal control officer” or “CACO” means a person certified as described in this bill.

This bill provides that “Animal control officer” has the same meaning as defined in the Penal Code.

This bill shall require the Board of Directors of the California Board of Director of the California Animal Welfare Association (board) to develop and maintain standards for various classes of Certified Animal Control Officers (CACOs). The standards for education, training, and certification shall be adopted by administrative rule of the board, and shall not be less rigorous than those described in this chapter.

This bill provides that a CalAnimals training committee shall review the standards and provide input to the board for adoption.

This bill provides the development and perpetual advancement of ACO professional standards and actively providing related educational offerings that lead to increased professional competence and ethical behavior shall be of the highest priorities for the board in its licensing, certification, and disciplinary functions. Whenever the advancement of an ACO professional standards and the provision of related educational offerings is inconsistent with other interests sought to be promoted, the former shall be paramount.

This bill states that the minimum standards to become a CACO are as follows:

- Complete at least 20 hours of a course of training in animal care sponsored or provided by an accredited postsecondary institution or any other provider approved by the California Veterinary Medical Association, the focus of which is the identification of disease, injury, and neglect in domestic animals and livestock; and
- Complete at least 40 hours of a course of training in the state laws relating to the powers and duties of an officer charged with enforcing laws relating to the humane treatment of animals sponsored or provided by an accredited postsecondary institution, law enforcement agency, or CalAnimals. The 40 hours is in addition to Peace Officer training required in the Penal Code; and,
- During each three-year period following the date on which the accreditation was earned, complete 40 hours of continuing education and training relating to the powers and duties of an animal control officer, which shall be sponsored or provided by an accredited postsecondary institution, law enforcement agency, or CalAnimals. Documentation shall be served to CalAnimals no later than 21 days after the expiration of each three-year period.

This bill provides that the minimum training, qualifications, and experience requirements for an applicant to qualify as a CACO, shall include, but not be limited to, training and competency requirements in the areas of administrative inspections, relevant food and agricultural laws, Penal Code provisions governing the treatment of animals and animal-related crimes, state and local health and safety codes, environmental regulations, public nuisance laws, applicable constitutional law, investigation and enforcement techniques, application of remedies, officer

safety, and community engagement. The board may, by administrative rule, designate additional levels of certifications.

This bill requires the board to maintain a registry of each application:

- a) The name, residence, date of birth, and driver's license number, including state or country of origin, of the applicant;
- b) The name and address of the employer or business of the applicant;
- c) The date of the application;
- d) The education and experience qualifications of the applicant;
- e) The action taken by the board regarding the application and the date of the action;
- f) The serial number of a certificate of registration issued to an applicant; and,
- g) Any other information required by board rule.

This bill mandates that the board shall, by administrative rule, create a process to promptly consider and review all applicants who hold certification from any other agency, and allow them to seek review and potential approval of the qualifications to potentially be recognized as a CACO in this state. A denial of full recognition as a CACO shall be accompanied by written justification and a list of steps that may be required for the individual applicant to complete the registration and certification process. Recognition fees shall be set, as specified.

This bill provides that the board shall conspicuously and continually publish its list of CACOs on the CalAnimals internet website containing the CACO's full name, summary status as to active or inactive status, date of active CACO expiration, and business address, unless the business address is a residence, which shall be treated as confidential.

This bill requires A CACO to hold a valid certificate designating the person as a CACO issued by CalAnimals, shall be currently employed or previously employed within a three-year period in an animal control officer job classification in California, and shall be current and compliant with ongoing continuing education and registration requirements as designated by the board's administrative rules.

This bill provides that failure to maintain the continuing education requirements shall cause the certification status to lapse, subject to redemption as specified by the board's administrative rules. Once a certification lapses, the certification status shall automatically convert to inactive CACO status unless it is redeemed.

This bill states that a person may not purport to be a CACO in this state or use the title "certified animal control officer" in this state unless the person holds a valid certificate of registration.

This bill requires the board annually set and impose fees in amounts that do not exceed the reasonable amount necessary to cover the costs of administering those services pursuant to this chapter. The schedule of fees shall be published on the CalAnimals internet website.

This bill states the that board shall adopt administrative rules to process information and investigate allegations or suspicions of an applicant or a CACO providing false information, failing to disclose material information on the registration application, or failing to provide information that may, either before or during the certification process, disqualify the applicant or CACO. The board shall adopt procedures and guidelines to impose any discipline, revocation of certification, or sanction, for cause, against an applicant or CACO.

Requires that the administrative rules shall provide the applicant or CACO with adequate and fair notice and an opportunity for a hearing before the board takes adverse action against the applicant or CACO.

This bill provides that any factual finding after a hearing that the board concludes is cause for revocation, suspension, or other disciplinary or administrative action against a CACO shall result in an order after hearing that meets the fair notification requirements of this section.

This bill provides that all orders after notice and an opportunity for a hearing shall be deemed final under the board's authority and procedures and may be appealed, as specified.

COMMENTS

1. Need for This Bill

According to the author:

Animal Control officers employed by a city or county, possess specialized training, but the level of training these officers receive varies based on the city or county in which they live. There is currently no uniform training standard.

AB 1125 establishes a framework through which control officers may receive state recognized certification of their training, if they so choose. Setting standards, minimum requirements, and ongoing educational requirements for local animal control officers who elect to attain certification helps local agencies identify, select and train qualified public officers to enforce laws and codes necessary to help preserve safe, well-ordered communities. It will foster greater uniformity and professionalism in this important local government public contact activity.

2. Animal Control Standards Act

This bill would create the Animal Control Standard Act. It requires the California Animal Welfare Association (CalAnimals) to develop and maintain standards for a program to certify animal control officers. The uncodified legislative intent states that the intent of the Legislature is that compliance with the Act created by this bill be voluntary and not a mandate.

Among other things the minimum standards shall include 20 hours of training in animal care and 40 hours in state laws relating to the duties of an officer charged with enforcing laws related to the human treatment of animals. This training shall be in addition to required peace officer training.

The sponsor states:

The men and women in California's City and County Animal Care and Control departments provide a critical public service, yet there is no formal professional standard, training or certification for these dedicated public servants. Animal control officers work directly alongside law enforcement, child welfare and other public service disciplines to protect and assist people and animals in vulnerable and even abusive situations. A standardized certification program will provide these officers with the ability to articulate their training and demonstrate their compliance with standard protocols should there be an incident or if they need to testify in court.

While non-profit shelters can hire Human Officers, whose training is articulated in the California Corporations Code, these officers have limited police powers and are appointed and overseen by the courts. Animal Control Officers do not have any such proscribed training even though they frequently work in situations where such training would be extremely beneficial. CalAnimals currently provides opportunities for Animal Control Officers to receive specialized training (at their annual conference and throughout the year at various events), it cannot offer these professionals any credits or certification for their training.

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