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AB-1125 Animal Control Officer Standards Act. (2019-2020)

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Assembly Bill No. 1125

CHAPTER 622

An act to add Chapter 20.5 (commencing with Section 26220) to Division 20 of the Health and Safety Code, relating to public health.

[Approved by Governor October 08, 2019. Filed with Secretary of State October 08, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1125, Cooley. Animal Control Officer Standards Act.

Existing law, the Code Enforcement Officer Standards Act, requires the Board of Directors of the California Association of Code Enforcement Officers to develop and maintain standards for the designation of Certified Code Enforcement Officers, and to designate minimum training, qualifications, and experience requirements for applicants to qualify for that designation.

Existing law imposes the responsibility for enforcing animal-related laws upon municipal or county animal control agencies.

This bill would create the Animal Control Officer Standards Act (the act). The act would require the California Animal Welfare Association (CAWA) to develop and maintain standards for a program to certify animal control officers. The bill would require the board of directors of the CAWA to adopt rules, after receiving specified input, setting forth the minimum training and experience requirements necessary for an applicant to qualify as a certified animal control officer (CACO). The act would also establish minimum standards to become a CACO, including completing at least 20 hours of a course of training in animal care and at least 40 hours of a course of training in state laws relating to the powers and duties of an animal control officer. The bill would exempt from the initial certification training requirement applicants who have successfully completed that training within the previous 10 years of the applicant's employment as an animal control officer and completed that training prior to January 1, 2020. The bill would require the board to set and impose fees for the services provided by the board pursuant to the act, to require a CACO to be currently or previously employed within the past 3 years in an animal control officer job classification in California, and to create an investigative and disciplinary process, as specified.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares all of the following:

- (1) California is a national and international leader in animal welfare standards.
- (2) Setting the standards, minimum requirements, and ongoing educational requirements for local animal control officers who elect to attain the title of Certified Animal Control Officer helps local agencies identify, select, and train qualified public officers to enforce animal welfare laws.

(3) Public officers who perform animal control functions require a unique skill set that is not available through a singular vocational offering.

(b) It is the intent of the Legislature in enacting this act to promote public safety and protect human and animal welfare by establishing a voluntary standard of training and certification for animal control officers that the public and public agencies may rely on.

(c) It is the intent of the Legislature that compliance with this act be voluntary and not a mandate requiring local agencies or employers to require their animal control officers to become certified. The voluntary program created pursuant to this act will ensure that individuals who are certified animal control officers have met prescribed education, training, and experience requirements and will maintain the standards through continuing education.

(d) It is the intent of the Legislature to recognize the California Animal Welfare Association's professional development and credentialing program by establishing an animal control officer certification to help local agencies define, standardize, and regulate this important function.

SEC. 2. Chapter 20.5 (commencing with Section 26220) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 20.5. Animal Control Officer Standards Act

26220. This chapter shall be known, and may be cited, as the Animal Control Officer Standards Act.

26221. (a) "Board" means the Board of Directors of the California Animal Welfare Association.

(b) "CalAnimals" means the California Animal Welfare Association, a public benefit corporation domiciled in California.

(c) "Certified animal control officer" or "CACO" means a person certified as described in this chapter.

(d) "Animal control officer" has the same meaning as defined in paragraph (8) of subdivision (d) of Section 241 of the Penal Code.

26222. (a) The board shall develop and maintain standards for various classes of 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. A CalAnimals training committee shall review the standards and provide input to the board for adoption.

(b) The development and perpetual advancement of animal control officer professional standards and actively providing related educational offerings that lead to increased professional competence and ethical behavior shall be the highest priorities for the board in its licensing, certification, and disciplinary functions. Whenever the advancement of animal control officer professional standards and the provision of related educational offerings is inconsistent with other interests sought to be promoted, the former shall be paramount.

(c) The minimum standards to become a certified animal control officer are as follows:

(1) Completion of 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.

(2) Completion of at least 40 hours of a course of training on 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. Training required pursuant to Section 830.9 of the Penal Code, as prescribed in Section 832 of the Penal Code, does not satisfy the minimum of 40 hours of training required by this paragraph. The course shall include, but not be limited to, training and competency requirements in the areas of administrative inspection, 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.

(3) During each three-year period following the date on which the certification was earned, completion of 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.

(4) An individual who has become a CACO in accordance with paragraph (1) shall complete the continuing education and training as required in this section from the date their certification is granted by the board.

(d) If an applicant has, before January 1, 2020, successfully completed the training required by paragraphs (1) and (2) of subdivision (c) within the previous 10 years of the applicant's employment as an animal control officer, the board shall deem the

applicant to have satisfied the training requirements of those paragraphs.

(e) The board may, by administrative rule, designate additional levels of certification.

26223. The board shall maintain a registry of each application for a certificate of registration under this chapter. The registry shall include all of the following:

(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 the applicant.

(g) Any other information required by board rule.

26224. 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 approval of the qualifications to 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 are required for the individual applicant to complete the registration and certification process. Recognition fees shall be set as described in Section 26229.

26225. 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.

26226. A CACO shall 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.

26227. Failure to maintain the continuing education requirements shall cause a CACO's active 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.

26228. 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 pursuant to this chapter.

26229. The board shall 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.

26230. (a) The 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 discipline, revocation of certification, or sanction, for cause, against an applicant or CACO.

(b) 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.

(c) A factual finding after a hearing that the board concludes is cause for revocation, suspension, or other disciplinary or administrative action against an applicant or a CACO shall result in an order after hearing that meets the fair notification requirements of this section.

(d) An order after notice and an opportunity for a hearing shall be deemed final under the board's authority and procedures and may be appealed as provided for in Sections 1094.5 and 1094.6 of the Code of Civil Procedure.