

House Bill 2739

Sponsored by Representative BARKER (at the request of Oregon Humane Society)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes Department of Public Safety Standards and Training to appoint and commission humane special agents. Directs department and Board on Public Safety Standards and Training to establish standards of fitness and training and certification program for humane special agents. Directs department to provide training.

A BILL FOR AN ACT

1
2 Relating to humane special agents.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section and sections 2 and 3 of this 2007 Act, "humane**
5 **investigation agency" means a private, nonprofit animal care agency that has maintained an**
6 **animal welfare investigation department for at least five years and has had officers com-**
7 **missioned as special agents under ORS 131.805.**

8 **(2) Upon the request of a humane investigation agency, the Department of Public Safety**
9 **Standards and Training, in consultation with the Board on Public Safety Standards and**
10 **Training, may appoint and commission persons designated by the humane investigation**
11 **agency and certified by the department under section 2 of this 2007 Act as humane special**
12 **agents, with the powers of peace officers and who, after being commissioned, may act as**
13 **peace officers to enforce state laws relating to animal welfare.**

14 **(3) A humane special agent serves at the expense of the humane investigation agency.**

15 **(4) A humane investigation agency employing a humane special agent is civilly responsi-**
16 **ble for any abuse of the humane special agent's authority.**

17 **SECTION 2. (1) The Department of Public Safety Standards and Training shall recom-**
18 **mend and the Board on Public Safety Standards and Training shall establish by rule:**

19 **(a) Reasonable minimum standards of physical, emotional, intellectual and moral fitness**
20 **for humane special agents.**

21 **(b) A training program for humane special agents that incorporates those aspects of po-**
22 **lice officer training that the department determines are appropriate.**

23 **(c) A procedure to be used by a humane investigation agency to determine whether a**
24 **humane special agent meets minimum standards or has minimum training.**

25 **(2) Subject to such terms and conditions as the department may impose, the department**
26 **shall certify humane special agents as being qualified under the rules established by the**
27 **board.**

28 **(3) The department may deny, suspend or revoke certification of a humane special agent**
29 **as provided by rules of the board.**

30 **(4) The department shall provide training for humane special agents and shall grant**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 certification to those persons who successfully complete the training. The humane investi-
 2 gation agency employing the person being trained shall pay the department the costs of
 3 providing the training. Moneys received by the department under this subsection shall be
 4 deposited into the Police Standards and Training Account.

5 **SECTION 3.** (1) Except for a person who has requested and obtained an extension from
 6 the Department of Public Safety Standards and Training pursuant to subsection (2) of this
 7 section, a person may not be employed as a humane special agent by a humane investigation
 8 agency for more than 18 months unless:

9 (a) The person is a citizen of the United States; and

10 (b) The person has been certified as being qualified as a humane special agent under
 11 section 2 of this 2007 Act and the certification has not been suspended or revoked pursuant
 12 to section 2 of this 2007 Act.

13 (2) The department, upon the facts contained in an affidavit accompanying the request
 14 for an extension, may find good cause for failure of a humane special agent to obtain cer-
 15 tification within the time period described in subsection (1) of this section. If the department
 16 finds that there is good cause for the failure, the department may extend for up to one year
 17 the period that a person may serve as a humane special agent without certification. The
 18 grant or denial of an extension is within the sole discretion of the department.

19 (3) Except as provided in subsection (4) of this section, a person employed as a humane
 20 special agent by a humane investigation agency shall commence the training necessary for
 21 certification under section 2 of this 2007 Act not later than the 90th day after the date of the
 22 agent's employment by the humane investigation agency.

23 (4) A humane investigation agency may delay the commencement of training of a humane
 24 special agent for up to 120 days from the date of the agent's employment when the agency
 25 considers the delay necessary. When a humane investigation agency delays commencement
 26 of a humane special agent's training under this subsection, the agency shall file a written
 27 statement of its reasons with the department.

28 (5) When a delay in the commencement of training necessary for certification under
 29 section 2 of this 2007 Act is caused by the inability of the department, for any reason, to
 30 provide that training, the period of the delay may not be counted as part of the periods set
 31 forth in subsections (3) and (4) of this section within which the training must be commenced.
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