

Senate Bill 406

Sponsored by COMMITTEE ON RULES

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 ORS 167.310 to 167.351, 167.334, 167.352, 167.355, 167.360 to 167.375,
14 167.385, 167.387, 167.388 and 167.390.

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

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

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

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

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

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

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

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

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

6 **SECTION 3.** (1) Except for a person who has requested and obtained an extension from
7 the Department of Public Safety Standards and Training pursuant to subsection (2) of this
8 section, a person may not be employed as a humane special agent by a humane investigation
9 agency for more than 18 months unless the person has been certified as being qualified as a
10 humane special agent under section 2 of this 2007 Act and the certification has not been
11 suspended or revoked pursuant to section 2 of this 2007 Act.

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

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

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

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