

5675

2009-2010 Regular Sessions

I N S E N A T E

May 27, 2009

Introduced by Sen. THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to training, examination and certification of dog control officers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The agriculture and markets law is amended by adding a new
2 section 114-a to read as follows:

3 S 114-A. TRAINING AND CERTIFICATION OF DOG CONTROL OFFICERS. 1. THE
4 DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION, SHALL
5 DEVELOP A TRAINING, EXAMINATION AND CERTIFICATION PROGRAM FOR DOG
6 CONTROL OFFICERS, POLICE OFFICERS AND PEACE OFFICERS WHO DEAL WITH
7 ANIMAL CONTROL OR ANIMAL ABUSE ISSUES.

8 2. (A) EXCEPT AS IS PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION, ANY
9 PERSON APPOINTED AS A DOG CONTROL OFFICER SHALL, BEFORE APPOINTMENT OR
10 WITHIN ONE YEAR THEREAFTER, COMPLETE A COURSE OF TRAINING APPROVED BY
11 THE DEPARTMENT AND SHALL TAKE AND PASS AN EXAMINATION GIVEN BY THE
12 DEPARTMENT. ANY PERSON CURRENTLY EMPLOYED AS A DOG CONTROL OFFICER SHALL
13 COMPLETE THE TRAINING AND TAKE AND PASS THE EXAMINATION NO LATER THAN
14 JULY FIRST, TWO THOUSAND TEN. THE TRAINING AND CERTIFICATION SHALL BE
15 AVAILABLE TO, BUT NOT REQUIRED FOR POLICE OFFICERS OR PEACE OFFICERS WHO
16 DEAL WITH ANIMAL CONTROL OR ANIMAL ABUSE ISSUES.

17 (B) THE FOLLOWING PERSONS SHALL BE EXEMPT FROM THE TRAINING REQUIRED
18 BY SUBDIVISION ONE OF THIS SECTION, BUT SHALL BE REQUIRED TO TAKE AND
19 PASS THE EXAMINATION:

20 (1) A VETERINARIAN LICENSED PURSUANT TO ARTICLE ONE HUNDRED
21 THIRTY-FIVE OF THE EDUCATION LAW; AND

22 (2) A PERSON WHO IS CERTIFIED OR OTHERWISE APPROVED AS AN ANIMAL
23 CONTROL OR HUMANE OFFICER BY ANOTHER STATE AND WHO HAS COMPLETED A
24 COMPARABLE COURSE OF TRAINING.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD11351-01-9

1 3. TRAINING PROGRAM REQUIRED BY THIS SECTION SHALL INCLUDE TRAINING
2 REGARDING:

3 (A) THE ROLE OF THE INVESTIGATOR IN CASES INVOLVING ANIMALS OR ANIMAL
4 ABUSE;

5 (B) APPROPRIATE AND HUMANE HANDLING OF ANIMALS AND GENERAL ANIMAL
6 CONTROL;

7 (C) EVALUATION OF ANIMAL CRUELTY AND ABUSE, INCLUDING ASSESSMENT OF
8 BODY CONDITION, BEHAVIOR AND CIRCUMSTANCES IN WHICH THE ANIMAL IS BEING
9 KEPT;

10 (D) EVALUATION OF FACILITIES WHERE ANIMALS ARE KEPT, BRED OR HOUSED;

11 (E) EVIDENTIARY ISSUES INCLUDING THE COLLECTION AND PRESERVATION OF
12 EVIDENCE;

13 (F) THE LAWS AND RULES REGARDING SEARCH AND SEIZURE;

14 (G) COMMUNITY POLICING AND INTERACTION;

15 (H) CRISIS INTERVENTION AND OFFICER SAFETY;

16 (I) STRATEGIES TO ENSURE THAT ABUSED ANIMALS ARE PERMANENTLY SEPARATED
17 FROM THEIR ABUSERS;

18 (J) IDENTIFICATION OF RESOURCES TO HOUSE ANIMALS WHILE A CRIMINAL CASE
19 IS RESOLVED;

20 (K) REPORT WRITING AND COURTROOM TESTIMONY;

21 (L) DISPOSAL OF THE REMAINS OF DECEASED ANIMALS; AND

22 (M) IDENTIFICATION AND NOTIFICATION OF AN ANIMAL'S OWNER.

23 4. THE GOVERNING BODY OF A POLITICAL SUBDIVISION THAT APPOINTS A DOG
24 CONTROL OFFICER WHO FAILS TO OBTAIN CERTIFICATION WITHIN THE REQUIRED
25 TIME SHALL TERMINATE THE APPOINTMENT.

26 5. THE DEPARTMENT SHALL: (A) DETERMINE THE FORMAT OF THE TRAINING AND
27 CERTIFICATION EXAMINATIONS, INCLUDING AN INTERNET-BASED FORMAT IF THE
28 DEPARTMENT DEEMS SUCH TO BE APPROPRIATE;

29 (B) ESTABLISH THE SCHEDULE FOR OFFERING TRAINING AND EXAMINATIONS;

30 (C) ESTABLISH SUCH FEES AS THE DEPARTMENT DEEMS NECESSARY FOR TRAIN-
31 ING, ADMISSION TO THE EXAMINATION, RE-EXAMINATION AND CERTIFICATION; AND

32 (D) PROMULGATE RULES, REGULATIONS AND STANDARDS REGARDING THE APPLICA-
33 TION OF THE TRAINING AND CERTIFICATION TOWARD RECERTIFICATION OR CONTIN-
34 UING EDUCATION REQUIREMENTS.

35 S 2. This act shall take effect January 1, 2010, provided that, effec-
36 tive immediately, the addition, amendment and/or repeal of any rule or
37 regulation necessary for the implementation of this act on its effective
38 date are authorized and directed to be made and completed on or before
39 such effective date.