



House of Representatives

General Assembly

File No. 403

February Session, 2008

Substitute House Bill No. 5803

House of Representatives, April 3, 2008

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE ESTABLISHMENT OF A TRAINING AND CERTIFICATION PROGRAM FOR MUNICIPAL ANIMAL CONTROL OFFICERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2008*) For the purposes of sections
2 2 to 6, inclusive, of this act, "animal control officer" includes a regional
3 animal control officer, assistant regional animal control officer and
4 municipal animal control officer, as defined in section 22-327 of the
5 general statutes, and an assistant municipal animal control officer and
6 "council" means the Police Officer Standards and Training Council
7 established pursuant to section 7-294b of the 2008 supplement to the
8 general statutes.

9 Sec. 2. (NEW) (*Effective July 1, 2008*) (a) The council, in consultation
10 with the Commissioner of Agriculture, shall develop a training
11 program, within available appropriations, for certification of animal
12 control officers. The program shall consist of not less than eighty hours
13 of training including, but not limited to: (1) State and federal law

14 relating to arrest, search and seizure; (2) state law relating to animals;
15 (3) the basics of investigation; (4) report writing and record keeping;
16 (5) shelter or pound standards; (6) disease recognition; (7) euthanasia
17 policy; (8) ethics and professionalism in dealing with the public; (9)
18 cruelty and neglect investigations, including, but not limited to, blood
19 sports and cults; (10) animal bite and vicious animal investigations;
20 (11) officer safety and loss prevention; (12) animal care, identification,
21 behavior, handling and capture and restraint techniques; (13) overview
22 of the legal system, court structure and terminology; (14) warrants; and
23 (15) civil liability issues.

24 (b) The council shall hire one instructor for the purpose of
25 instructing, certifying and retraining animal control officers. The
26 council, in consultation with the Commissioner of Agriculture, shall
27 approve or develop an examination, within available appropriations,
28 designed to test proficiency in the subjects covered by the training
29 program developed pursuant to subsection (a) of this section. The
30 examination may be written, oral, practical or a combination thereof.

31 (c) The council, in consultation with the Commissioner of
32 Agriculture, may approve, reject or revoke approval of any animal
33 control officer training courses, including, but not limited to, courses
34 provided by the National Animal Control Association, the American
35 Humane Association or the Humane Society of the United States for
36 inclusion in the training programs developed pursuant to this section.

37 (d) The council may, from time to time, amend or alter the training
38 programs and the examination the council develops pursuant to this
39 section.

40 Sec. 3. (NEW) (*Effective July 1, 2008*) (a) Each person appointed as an
41 animal control officer on and after July 1, 2008, shall be certified by the
42 council not later than two years after such appointment. Except as
43 provided in subsection (b) of this section, the council shall only certify
44 a person who has satisfactorily completed the training program
45 developed pursuant to section 2 of this act. The provisions of section
46 7-294d of the general statutes concerning police officer training shall

47 not apply to animal control officers appointed pursuant to section
48 22-328, 22-331 or 22-331a of the general statutes unless the duties of
49 such officer include carrying a firearm or custodial arrest.

50 (b) The council, in consultation with the Commissioner of
51 Agriculture, shall develop a retraining program for persons who have
52 served as animal control officers in the state for a period of five years
53 since July 1, 1997. Such officers shall complete the retraining program
54 and become certified in order to continue to serve as animal control
55 officers. The council shall refuse to certify any officer that fails to
56 complete such training satisfactorily.

57 (c) The council may decline to issue a certificate if (1) the applicant
58 falsified any document in order to obtain or renew the certificate, (2)
59 the applicant has been convicted of a felony, (3) the applicant has been
60 found not guilty of a felony by reason of mental disease or defect
61 pursuant to section 53a-13 of the general statutes, (4) the applicant has
62 been convicted of a violation of subsection (c) of section 21a-279 of the
63 general statutes or section 29-9 of the general statutes, or (5) the
64 applicant has been refused issuance of a certificate or similar
65 authorization or has had a certificate or other similar authorization
66 revoked by another jurisdiction on grounds that would authorize
67 revocation under the provisions of this subsection.

68 (d) The council may revoke any certificate if (1) the certificate was
69 issued by administrative error, (2) the certificate was obtained through
70 misrepresentation or fraud, (3) the holder falsified any document in
71 order to obtain or renew any certificate, (4) the holder has been
72 convicted of a felony, (5) the holder has been found not guilty of a
73 felony by reason of mental disease or defect pursuant to section 53a-13
74 of the general statutes, (6) the holder has been convicted of a violation
75 of subsection (c) of section 21a-279 of the general statutes or section
76 29-9 of the general statutes, or (7) the holder has been refused issuance
77 of a certificate or similar authorization or has had the certificate or
78 other authorization revoked by another jurisdiction on grounds that
79 would authorize revocation under the provisions of this subsection.

80 Whenever the council believes there is a reasonable basis for
81 revocation of the certificate of an animal control officer, the council
82 shall give the holder of the certificate notice and an opportunity for a
83 hearing, in accordance with the provisions of section 4-182 of the
84 general statutes. Any officer whose certification is revoked pursuant to
85 this section may reapply for certification no sooner than two years
86 after the date on which the revocation order becomes final.

87 Sec. 4. (NEW) (*Effective July 1, 2008*) (a) If a person who was
88 employed and certified as an animal control officer is not employed in
89 such capacity, such certification shall expire after two years of
90 unemployment, unless such officer has been on a leave of absence.
91 Upon reemployment as an animal control officer, such officer shall
92 apply for certification and become certified in the manner provided in
93 section 2 of this act.

94 (b) A municipality may appoint a temporary animal control officer
95 who does not hold a certificate pursuant to sections 1 to 4, inclusive, of
96 this act for a period not to exceed thirty days per calendar year. The
97 council may grant a one time thirty-day extension for such temporary
98 animal control officer. The council may encourage municipalities to
99 share the services of animal control officers in the event a temporary
100 animal control officer is needed by a municipality.

101 Sec. 5. (NEW) (*Effective July 1, 2008*) The Commissioner of
102 Agriculture, in consultation with the Police Officer Standards and
103 Training Council, may adopt regulations, in accordance with the
104 provisions of chapter 54 of the general statutes, to implement the
105 provisions of sections 1 to 4, inclusive, of this act, including, but not
106 limited to, establishing procedures for applying for certification as an
107 animal control officer.

108 Sec. 6. (NEW) (*Effective October 1, 2008*) No municipality shall be
109 liable for compensation to any municipal animal control officer whose
110 certification under section 3 or 4 of this act has been revoked or
111 expired during the period of such revocation or expiration.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Public Safety, Dept.	GF - Appropriation	80,000	None
Police Officer Std. & Training Council	GF - Cost	65,000	65,000
Comptroller Misc. Accounts (Fringe Benefits) ¹	GF - Cost	16,500	38,100
Department of Agriculture	GF - Cost	20,000	20,000

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 09 \$	FY 10 \$
Various Municipalities	STATE MANDATE - Cost	Potential Minimal	Potential Minimal

Explanation

The bill would result in a cost of \$101,500 in FY 09 and \$123,100 in FY 10 to the state, including fringe benefit costs. The bill appropriates \$80,000 to the Department of Public Safety (DPS) in FY 09 for the establishment and execution of a training program.²

The bill would require the Police Officer Standards and Training Council (POST) to hire one full-time Training Officer. It is estimated that this would cost \$81,500 in FY 09 (\$65,000 to POST and \$16,500 to

¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The first year fringe benefit costs for new positions do not include pension costs. The estimated first year fringe benefit rate as a percentage of payroll is 25.36%. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS fringe benefit rate is 33.27%, which when combined with the rate for non-pension fringe benefits totals 58.63%.

the Comptroller's fringe benefit account) and \$103,100 in FY 10 (\$65,000 to POST and \$38,100 to the Comptroller's fringe benefit account).

POST currently employs a Curriculum Manager who would develop the initial 80-hour training course and a retraining program in consultation with the Department of Agriculture at no additional cost to the Council. Additionally, the issuance, review, and revocation of training certificates would be performed by POST's Certification Office at no additional cost.

The bill would result in an annual cost to the Department of Agriculture (DOAg) of \$20,000. Included in this amount is \$15,000 for a part-time Secretary I position to perform record-keeping, associated outreach, and preparation of announcements related to the certification of municipal animal control officers. In addition, \$5,000 is included for consultant services for the promulgation of regulations. There are no staff attorneys at DOAg and no in-house expertise in the area of writing animal control regulations.

There are currently 290 municipal animal control officers or individuals in the state. Those hired on or after July 1, 2008 would be required to complete the training course and be certified by POST no later than two years after appointment; those employed in Connecticut for five years since July 1, 1997 would be required to complete the retraining program in order to attain certification. Both the initial training course and retraining program specified in the bill would be provided by POST at no cost to municipalities.

There is a potential minimal cost to municipalities associated with overtime costs incurred when a municipal animal control officer is attending the 80-hour training course and an alternative animal control officer is needed to temporarily cover that officer's shift.

The Out Years

² The bill appropriates funding to DPS, although the cost of the training will be incurred by POST.

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis

sHB 5803

AN ACT CONCERNING THE ESTABLISHMENT OF A TRAINING AND CERTIFICATION PROGRAM FOR MUNICIPAL ANIMAL CONTROL OFFICERS.

SUMMARY:

This bill requires the Police Officer Standards and Training (POST) Council to develop a program to certify animal control officers (ACOs). It must do so within available appropriations and in consultation with the agriculture commissioner. The program must be at least 80 hours and cover specified areas, including search and seizure laws, disease recognition and euthanasia policy, animal care and restraint techniques, and civil liability issues.

The bill sets certification criteria and allows POST to revoke certificates on specified grounds. Under the bill, municipalities are not liable for compensation to any ACO who works while his or her certificate is revoked or expired.

The bill appropriates \$80,000 to the Department of Public Safety (DPS) from the General Fund in FY 09 for POST to implement the training and certification program, including hiring one instructor to instruct, certify, and retrain ACOs. (POST is administratively within DPS.)

The agriculture commissioner, in consultation with POST, may adopt implementing regulations, which may include procedures for applying for certification.

EFFECTIVE DATE: July 1, 2008, except for the provision on municipal liability which takes effect October 1, 2008.

ANIMAL CONTROL OFFICER TRAINING PROGRAM AND CERTIFICATION***Training Program***

The training and certification program must consist of at least 80 hours. It covers regional, assistant regional, municipal, and assistant municipal officers. It must include training in:

1. state and federal arrest, search, and seizure laws;
2. state law relating to animals;
3. the basics of investigation;
4. report writing and record keeping;
5. shelter or pound standards;
6. disease recognition;
7. euthanasia policy;
8. ethics and professionalism in dealing with the public;
9. cruelty and neglect investigations, including blood sports and cults;
10. animal bite and vicious animal investigations;
11. officer safety and loss prevention;
12. animal care, identification, behavior, handling and capture and restraint techniques;
13. overview of the legal system, court structure and terminology;
14. warrants; and
15. civil liability issues.

POST must hire one person to instruct, certify, and retrain ACOs. In consultation with the agriculture commissioner and within available

appropriations, it must approve or develop an examination to test proficiency in the subjects covered by the training program. The examination may be written, oral, practical, or a combination thereof.

POST, in consultation with the agriculture commissioner, may approve, reject, or revoke the approval of any ACO training course, including courses provided by the National Animal Control Association, the American Humane Association, or the U.S. Humane Society for inclusion in the training programs developed under the bill.

The council may, from time to time, amend or alter the training programs and examination it develops.

ACO Certification

ACOs appointed on and after July 1, 2008 must be certified by POST not later than two years after appointment. With an exception for people employed since 1997 (see below), POST may certify only people who have satisfactorily completed the above training program. The training requirements for police officers do not apply to appointed ACOs, unless their duties include carrying a firearm or making custodial arrests.

POST, in consultation with the agriculture commissioner, must develop a retraining program for ACOs employed in Connecticut for five years since July 1, 1997 (but the bill sets no deadline for developing the program). Such officers must complete the retraining program and be certified in order to continue to serve as ACOs. The council cannot certify any officer who fails to complete the training satisfactorily.

Certification Criteria Revocation and Denial

POST may revoke a certificate issued by administrative error or obtained through misrepresentation or fraud. It may also revoke or decline to issue a certificate to an applicant:

1. who falsified a document to get or renew it;

2. who has been convicted of a felony
3. found not guilty of a felony by reason of mental disease or defect;
4. convicted of (a) a first offense involving possession of controlled or hallucinogenic substances (other than a narcotic substance or marijuana) or less than four ounces of a cannabis-type substance, (b) taking or offering a bribe (though this latter provision appears to address bribe taking and offering by police officers); or
5. denied a certificate or similar authorization or had one revoked by another jurisdiction on grounds that would authorize revocation under the bill.

If POST believes there is a reasonable basis to revoke a certificate, it must give the certificate holder notice and a hearing opportunity. An ACO whose certificate is revoked has to wait at least two years before applying for recertification.

If a certified ACO is not employed as such for two years, excluding leave absence, the certificate expires. Upon reemployment as an ACO, the officer must apply for certification and be recertified.

A municipality may appoint a temporary, uncertified ACO for up to 30 days per calendar year. POST may grant a one-time 30-day extension in such cases. It may encourage municipalities to share the services of animal control officers if a municipality needs a temporary officer.

Under the bill, a municipality is not liable for compensating any municipal ACO during any time his certificate is revoked or expired.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Change of Reference

Yea 19 Nay 3 (03/06/2008)

Environment Committee

Joint Favorable

Yea 22 Nay 8 (03/14/2008)