



## NEW ANIMAL POLICE POWERS PROPOSED IN VIRGINIA

### The Issue.

Legislation extending police powers to enforce domestic animal laws has been introduced in Virginia. House Bill 884 would amend current state law by adding language which would allow sheriffs and police chiefs to designate volunteer deputies to enforce animal control and protection laws.

### The Impact.

Under HB 884, the governing body of each county, city or town may employ an officer to be known as the animal control officer who has the power to enforce all laws for the protection of domestic animals. Sheriffs and police chiefs may also designate and utilize volunteer deputies for the enforcement of this chapter, all ordinances enacted pursuant to this chapter, and all laws for the protection of domestic animals.

The bill states that animal control officers and deputy animal control officers must have knowledge of the animal control and protection laws of the Commonwealth that they are required to enforce. Also, when in uniform, or upon displaying a badge or other credentials of office, animal control officers and deputy animal control officers may issue a summons or obtain a felony warrant as necessary, providing the execution of such warrant be carried out by any law enforcement officer.

Every locality employing an animal control officer must submit to the State Veterinarian, on a provided form, information concerning the employment and training status of the animal control officers employed by the locality. The State Veterinarian may require that the locality notify him of any change in such information.

No definition for “volunteer deputies” is given in the bill or in the state Code. In this context, a “volunteer deputy” could mean a deputized county/city law enforcement agent or a private citizen volunteer that becomes deputized by a sheriff or police chief. If the latter definition applies, then any private citizen could have the authority to go about acting as a law officer. Worse, it would empower members of an organization **that actually competes with pet dealers** to confiscate the pet animals of their competitors! Because many humane organizations “adopt out” animals for a fee, they compete directly with other animal dealers.

**NOTE:** Also, under this legislation, commercial dog breeding locations shall be subject to inspection by animal control at least twice annually and additionally upon receipt of a complaint or their own motion to ensure compliance with state animal care laws and regulations.

### Recommended Action.

**Without a specific definition of a “volunteer deputy”, this bill opens up breeders, pet stores and pet owners to routine harassment, and invites abuses of the law. Invasion of private property, arrest and confiscation of pets by private citizens are all likely occurrences should HB 884 become law.**



PIJAC has long opposed authorizing police powers for private citizens who do not have the same training, qualifications and oversight as law enforcement officers. This is particularly true when such powers are granted to someone who has **an inherent conflict of interest**, as could be true under this bill. Moreover, as written this bill provides no requirement that “volunteer deputies” have any law enforcement training to receive fundamental constitutional due process safeguards.

HB 884 has been placed in the House Agriculture, Chesapeake & Natural Resources Committee. No hearing has yet been set.

Those opposed to this measure are urged to contact committee members (see committee list attached below). Also, to easily contact both members of both committees, as well as your own representative, visit PIJAC’s [Legislative Action Center](#) on the PIJAC website (<http://www.pijac.org/governmentaffairs>) to learn how.

Updates on the status of this bill will be posted to the Breaking News page of PIJAC’s website at (<http://www.pijac.org/petinformation/breakingnews.asp>). You are encouraged to visit the site regularly to be informed of actions taken on this legislation.

For additional information on this legislation, or other bills in which you may have an interest, contact PIJAC’s Bambi Osborne at [bambi@pijac.org](mailto:bambi@pijac.org) or 800-553-PETS (7387).

**State of Virginia**  
**House Committee on Agriculture, Chesapeake & Natural Resources**  
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The Pet Industry Joint Advisory Council (PIJAC) has been protecting and promoting responsible pet ownership for nearly forty years. Follow our successes, events, and action alerts through Facebook and/or Twitter at PIJAC4pets. If you are not already a Member, please join us today by visiting [www.pijac.org/membership](http://www.pijac.org/membership). For additional information on PIJAC and its many exciting campaigns, please visit: [www.pijac.org](http://www.pijac.org) and [www.dontmesswithmypet.org](http://www.dontmesswithmypet.org). Or, contact us at 1-800-553-PETS (1-800-553-7387); [members@pijac.org](mailto:members@pijac.org).

**On behalf of pets, responsible pet owners, and the pet industry, we thank you!**

**2010 VA H 884**    **AUTHOR:**            Athey  
                          **VERSION:**            Introduced  
                          **VERSION DATE:**    01/13/2010

STATE OF VIRGINIA

HOUSE BILL NO. 884

Offered January 13, 2010

Prefiled January 13, 2010

A BILL to amend and reenact Section 3.2-6555 of the Code of Virginia, relating to animal welfare laws; special deputies.

Patron-- Athey

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That Section 3.2-6555 of the Code of Virginia is amended and reenacted as follows:

Section 3.2-6555. Position of animal control officer created.

The governing body of each county or city shall, or each town may, employ an officer to be known as the animal control officer who shall have the power to enforce this chapter, all ordinances enacted pursuant to this chapter and all laws for the protection of domestic animals. Sheriffs and police chiefs may also designate and utilize volunteer deputies for the enforcement of this chapter, all ordinances enacted pursuant to this chapter, and all laws for the protection of domestic animals. The governing body may also employ one or more deputy animal control officers to assist the animal control officer in the performance of his duties. Animal control officers and deputy animal control officers shall have knowledge of the animal control and protection laws of the Commonwealth that they are required to enforce. When in uniform or upon displaying a badge or other credentials of office, animal control officers and deputy animal control officers shall have the power to issue a summons or obtain a felony warrant as necessary, providing the execution of such warrant shall be carried out by any law-enforcement officer as defined in Section 9.1-101, to any person found in the act of violating any such law or any ordinance enacted pursuant to such law of the locality where the animal control officer or deputy animal control officer is employed. Commercial dog breeding locations shall be subject to inspection by animal control at least twice annually and additionally upon receipt of a complaint or their own motion to ensure compliance with state animal care laws and regulations. The animal control officer and the deputy animal control officers shall be paid as the governing body of each locality shall prescribe.

Any locality where an animal control officer or deputy animal control officers have been employed may contract with one or more additional localities for enforcement of animal protection and control laws by the animal control officers or deputy animal control officers. Any such contract may provide that the locality employing the animal control officer or deputy animal control officers shall be reimbursed a portion of the salary and expenses of the animal control officer or deputy animal control officers.

Every locality employing an animal control officer shall submit to the State Veterinarian, on a form provided by him, information concerning the employment and training status of the animal control officers employed by the locality. The State Veterinarian may require that the locality notify him of any change in such information.