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CHAPTER 375

FORMERLY

HOUSE BILL NO. 311

AS AMENDED BY

HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLES 9, 11, AND 16 OF THE DELAWARE CODE RELATING TO ANIMALS.

WHEREAS, Animal Control Officers and Animal Cruelty Agents in the State of Delaware carry out law enforcement duties, but there are no requirements or opportunities for uniform training and certification; and

WHEREAS, the Animal Welfare Task Force, established by Senate Concurrent Resolution No. 44 of the 146th General Assembly, recommended the development and implementation of statewide training and certification of Animal Control Officers; and

WHEREAS, the Office of Animal Welfare was established in the Department of Health and Social Services to carry out recommendations of the Animal Welfare Task Force, including the development and implementation of Animal Control Officer and Animal Cruelty Agent training and certification;

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 917, Title 9 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underlining as follows:

(b) All animal control constables, ~~animal control officers, dog control agents,~~ and dog wardens shall be uniformed and shall be adequately trained, certified, and equipped to enforce the dog control laws and ordinances of the State or any of its political subdivisions and the county, including municipalities.

Section 2. Amend § 122(3), Title 16 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underlining as follows and redesignating accordingly:

aa. Regulate the training and educational qualifications for the certification of animal control constables, animal control officers, animal cruelty agents, dog control agents, and dog wardens. The Department shall:

(1) Develop requirements for certification and curricula preparing a person for certification;

(2) Develop criteria and standards for evaluating educational programs preparing a person for training and certification; including in conjunction with the Delaware Department of Agriculture and the Delaware Department of Natural Resources and Environmental Control concerning livestock, poultry, and wildlife for animal cruelty agents;

(3) Approve such programs that meet the requirements of this chapter and of the Department;

(4) Deny or withdraw approval from educational programs for failure to meet approved curricula or other criteria;

(5) Certify and renew certification of duly qualified applicants;

(6) Keep current a registry of all persons certified as animal control constables, animal control officers, animal cruelty agents, dog control agents, and dog wardens in the State;

(7) Establish requirements for mandatory continuing education and certification renewal; and

(8) Impose disciplinary sanctions and conduct hearings upon charges that may result in disciplinary sanctions outlined in this chapter in conformance with the Administrative Procedures Act, Chapter 101 of Title 29, and the Freedom of Information Act.

Section 3. Amend Chapter 1, Subchapter II of Title 16 of the Delaware Code by making deletions as shown by strike through and insertions shown by underline and as follows:

§ 138 Certification and procedures for animal control constables, animal control officers, animal cruelty agents, dog control agents, and dog wardens.

(a) A person who acts as a certified animal control constable, animal control officer, animal cruelty agent, dog control agent, or dog warden without certification from the Department is subject to penalties pursuant to Title 16, § 107 of the Delaware Code. For purposes of this subchapter, 'animal cruelty agent' means any person qualified to act pursuant to § 1325, Title 11 of the Delaware Code.

(b) The Department may, by endorsement, without written examination, certify an animal control constable, animal control officer, animal cruelty agent, dog control agent, or dog warden who has completed a training program that meets the educational requirements for certification defined by the Department and if, in the opinion of the Department or its designee, the applicant meets the qualifications specified by this chapter for an animal control constable, animal control officer, dog control agent animal cruelty, or dog warden.

(c) Dog control and animal cruelty educational programs.

(1) Any organization or institution desiring to conduct a dog control or animal cruelty education program shall apply to the Department and submit satisfactory evidence that it is ready and qualified to instruct students in the prescribed basic curriculum for certifying animal control constables, dog control agents, animal control officers, animal cruelty agents, or dog wardens, and that is prepared to meet other standards which may be established by the Department.

(2) If the Department determines that any approved educational program is not maintaining the standards required by this chapter and by the Department, written notice thereof, specifying the deficiency and the time within which the same shall be corrected, shall immediately be issued to the program. The Department shall withdraw such programs approval if it fails to correct the deficiency. The organization or institution may reapply for approval to the Department once the program meets standards established by the Department.

(d) The Department may impose sanctions defined in this chapter singly or in combination when it finds a certified or former certified animal control constable, animal control officer, animal cruelty agent, dog control agent, or dog warden committed any offense described below:

(1) Engages in fraud or deceit in procuring or attempting to procure a certification/license;

(2) Is guilty of a crime against person or property;

(3) Has been found by an employer to be unfit or incompetent;

(4) Has had a certification or license to serve as a dog control or animal cruelty agent suspended or revoked in any jurisdiction; or

(5) Has willfully or negligently violated this chapter.

(e) The Department shall establish procedures for documenting all complaints, and conducting investigations of complaints filed against animal control constables, animal control officers, animal cruelty agents, dog control agents, or dog wardens that may result in sanctions.

(f) Disciplinary sanctions are as follows:

(1) Permanently revoke a certification or license to be an animal control constable, animal control officer, dog control animal cruelty agent agent, or dog warden;

(2) Refuse a certification or certification renewal;

(3) Suspend a certification or license;

(4) Place a certification or license on probationary status and require licensee to: report regularly to the Department upon the matters which are the basis of probation; limit practice to those areas prescribed by the Department; or continue or renew professional education until satisfactory degree of skill has been attained in those areas which are the basis of the probation;

(5) Issue a letter of reprimand; and

(6) Require additional training.

Section 4. Amend § 1325, Title 11 of the Delaware Code, by making deletions as shown by strikethrough and insertions as shown by underlining as follows:

(e) Any trained and certified agent of the Delaware Society for the Prevention of Cruelty to Animals, ~~or, in Kent County of this State,~~ of the ~~Kent County~~ First State Animal Center - Society for the Prevention of Cruelty to Animals, may impound an animal owned or possessed in apparent violation of this section, consistent with § 7904 of Title 3.

Section 5. This Act becomes effective upon final publication of the regulations by the Department of Health and Social Services.

Approved July 31, 2014

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