

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1238 Session of 2017

INTRODUCED BY STEPHENS, BIZZARRO, GREINER, FARRY, D. COSTA, SAINATO, READSHAW, O'BRIEN, W. KELLER, STAATS, JAMES, DEAN, KAUFFMAN, WHEELAND, DRISCOLL, BOBACK, SCHLOSSBERG, CHARLTON, MURT, WATSON, SCHWEYER, FREEMAN, MILLARD, A. HARRIS, MILNE, DeLUCA, DEASY, KORTZ, DONATUCCI, GILLEN, CONKLIN, DAVIS, PHILLIPS-HILL, RAVENSTAHL, SANTORA, ROE AND MICCARELLI, APRIL 17, 2017

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 25, 2017

AN ACT

1 Amending Titles 3 (Agriculture), 18 (Crimes and Offenses), 22  
2 (Detectives and Private Police), 34 (Game) and 42 (Judiciary  
3 and Judicial Procedure) of the Pennsylvania Consolidated  
4 Statutes, in race horse industry reform, further providing  
5 for licenses for horse race meetings and for occupational  
6 licenses for individuals; in riot, disorderly conduct and  
7 related offenses, repealing provisions relating to offense of  
8 cruelty to animals, live animals as prizes prohibited, police  
9 animals and assault with a biological agent on animal, fowl  
10 or honey bees and providing for offenses relating to cruelty  
11 to animals; in humane society police officers, further  
12 providing for definitions, for appointment by nonprofit  
13 corporations, for qualifications for appointment, for  
14 suspension, revocation, limitation and restriction of  
15 appointment and restoration of appointment, for powers and  
16 authority and jurisdiction, for search warrants and for  
17 costs; in hunting and furtaking, further providing for  
18 destruction of dogs declared public nuisances; in budget and  
19 finance, further providing for municipal corporation portion  
20 of fines, etc; and making editorial changes.

21 The General Assembly of the Commonwealth of Pennsylvania  
22 hereby enacts as follows:

23 Section 1. Sections 9318(e)(1)(iv) and 9323(g.1)(3) of Title  
24 3 of the Pennsylvania Consolidated Statutes, added October 28,

1 2016 (P.L.913, No.114), are amended to read:

2 § 9318. Licenses for horse race meetings.

3 \* \* \*

4 (e) Action on licenses.--The following shall apply:

5 (1) The commission shall be prohibited from issuing a  
6 license to conduct a horse race meeting at which pari-mutuel  
7 wagering is permitted to an individual or applicant or an  
8 owner, officer, director or manager of the applicant who has  
9 been convicted of:

10 \* \* \*

11 (iv) An offense under 18 Pa.C.S. [§ 5511] Ch. 55  
12 Subch. B (relating to cruelty to animals).

13 \* \* \*

14 § 9323. Occupational licenses for individuals.

15 \* \* \*

16 (g.1) Denial.--The commission may deny an application for a  
17 license or suspend, revoke or refuse to renew a license issued  
18 under this section if it determines that the applicant or  
19 licensee meets any of the following:

20 \* \* \*

21 (3) Has been convicted of an offense under 18 Pa.C.S. [§  
22 5511] Ch. 55 Subch. B (relating to cruelty to animals).

23 \* \* \*

24 Section 2. Chapter 55 of Title 18 is amended by adding a  
25 subchapter heading to read:

26 SUBCHAPTER A

27 DEFINITION OF OFFENSES GENERALLY

28 Section 3. Sections 5511, 5511.1, 5511.2 and 5511.3 of Title  
29 18 are repealed:

30 [§ 5511. Cruelty to animals.

1 (a) Killing, maiming or poisoning domestic animals or zoo  
2 animals, etc.--

3 (1) A person commits a misdemeanor of the second degree  
4 if he willfully and maliciously:

5 (i) Kills, maims or disfigures any domestic animal  
6 of another person or any domestic fowl of another person.

7 (ii) Administers poison to or exposes any poisonous  
8 substance with the intent to administer such poison to  
9 any domestic animal of another person or domestic fowl of  
10 another person.

11 (iii) Harasses, annoys, injures, attempts to injure,  
12 molests or interferes with a dog guide for an individual  
13 who is blind, a hearing dog for an individual who is deaf  
14 or audibly impaired or a service dog for an individual  
15 who is physically limited.

16 Any person convicted of violating the provisions of this  
17 paragraph shall be sentenced to pay a fine of not less than  
18 \$500.

19 (2) A person commits a felony of the third degree if he  
20 willfully and maliciously:

21 (i) Kills, maims or disfigures any zoo animal in  
22 captivity.

23 (ii) Administers poison to or exposes any poisonous  
24 substance with the intent to administer such poison to  
25 any zoo animal in captivity.

26 (2.1) (i) A person commits a misdemeanor of the first  
27 degree if he willfully and maliciously:

28 (A) Kills, maims, mutilates, tortures or  
29 disfigures any dog or cat, whether belonging to  
30 himself or otherwise. If a person kills, maims,

1 mutilates, tortures or disfigures a dog guide for an  
2 individual who is blind, a hearing dog for an  
3 individual who is deaf or audibly impaired or a  
4 service dog for an individual who is physically  
5 limited, whether belonging to the individual or  
6 otherwise, that person, in addition to any other  
7 applicable penalty, shall be required to make  
8 reparations for veterinary costs in treating the dog  
9 and, if necessary, the cost of obtaining and training  
10 a replacement dog.

11 (B) Administers poison to or exposes any  
12 poisonous substance with the intent to administer  
13 such poison to any dog or cat, whether belonging to  
14 himself or otherwise.

15 (ii) Any person convicted of violating the  
16 provisions of this paragraph shall be sentenced to pay a  
17 fine of not less than \$1,000 or to imprisonment for not  
18 more than two years, or both. The court may also order a  
19 presentence mental evaluation. A subsequent conviction  
20 under this paragraph shall be a felony of the third  
21 degree. This paragraph shall apply to dogs and cats only.

22 (iii) The killing of a dog or cat by the owner of  
23 that animal is not malicious if it is accomplished in  
24 accordance with the act of December 22, 1983 (P.L.303,  
25 No.83), referred to as the Animal Destruction Method  
26 Authorization Law.

27 (3) This subsection shall not apply to:

28 (i) the killing of any animal taken or found in the  
29 act of actually destroying any domestic animal or  
30 domestic fowl;

1           (ii) the killing of any animal or fowl pursuant to  
2 the act of June 3, 1937 (P.L.1225, No.316), known as The  
3 Game Law, or 34 Pa.C.S. §§ 2384 (relating to declaring  
4 dogs public nuisances) and 2385 (relating to destruction  
5 of dogs declared public nuisances), or the regulations  
6 promulgated thereunder; or

7           (iii) such reasonable activity as may be undertaken  
8 in connection with vermin control or pest control.

9 (a.1) Guide dogs.--

10           (1) A person commits a misdemeanor of the third degree  
11 if he is the owner or co-owner of a dog that kills, maims or  
12 disfigures a guide dog of an individual who is blind, a  
13 hearing dog of an individual who is deaf or audibly impaired  
14 or a service dog of an individual who is physically limited  
15 without provocation by the guide, hearing or service dog or  
16 the individual.

17           (2) A person commits an offense under this subsection  
18 only if the person knew or should have known that the dog he  
19 owns or co-owns had a propensity to attack human beings or  
20 domestic animals without provocation and the owner or co-  
21 owner knowingly or recklessly failed to restrain the dog or  
22 keep the dog in a contained, secure manner.

23           (3) Any person convicted of violating the provisions of  
24 this subsection shall be sentenced to pay a fine of not more  
25 than \$5,000 and shall be ordered to make reparations for  
26 veterinary costs in treating the guide, hearing or service  
27 dog and, if necessary, the cost of obtaining and training a  
28 replacement guide, hearing or service dog.

29 (a.2) Civil penalty and restitution.--

30           (1) A person who is the owner or co-owner of a dog that

1 kills, maims or disfigures a guide dog of an individual who  
2 is blind, a hearing dog of an individual who is deaf or  
3 audibly impaired or a service dog of an individual who is  
4 physically limited shall be subject to paragraph (2) if all  
5 of the following apply:

6 (i) The owner or co-owner knew the dog had a  
7 propensity to attack human beings or domestic animals.

8 (ii) The owner or co-owner failed to restrain the  
9 dog or keep the dog in a contained, secure manner.

10 (2) A court of common pleas may impose any of the  
11 following upon any person who is the owner or co-owner of a  
12 dog under paragraph (1):

13 (i) A civil penalty of up to \$15,000.

14 (ii) Reparations for veterinary costs in treating  
15 the guide, hearing or service dog and, if necessary, the  
16 cost of retraining the dog or of obtaining and training a  
17 replacement guide, hearing or service dog.

18 (iii) Loss of income for the time the individual is  
19 unable to work due to the unavailability of the guide,  
20 hearing or service dog.

21 (b) Regulating certain actions concerning fowl or rabbits.--

22 A person commits a summary offense if he sells, offers for sale,  
23 barter, or gives away baby chickens, ducklings, or other fowl,  
24 under one month of age, or rabbits under two months of age, as  
25 pets, toys, premiums or novelties or if he colors, dyes, stains  
26 or otherwise changes the natural color of baby chickens,  
27 ducklings or other fowl, or rabbits or if he brings or  
28 transports the same into this Commonwealth. This section shall  
29 not be construed to prohibit the sale or display of such baby  
30 chickens, ducklings, or other fowl, or such rabbits, in proper

1 facilities by persons engaged in the business of selling them  
2 for purposes of commercial breeding and raising.

3 (c) Cruelty to animals.--

4 (1) A person commits an offense if he wantonly or  
5 cruelly illtreats, overloads, beats, otherwise abuses any  
6 animal, or neglects any animal as to which he has a duty of  
7 care, whether belonging to himself or otherwise, or abandons  
8 any animal, or deprives any animal of necessary sustenance,  
9 drink, shelter or veterinary care, or access to clean and  
10 sanitary shelter which will protect the animal against  
11 inclement weather and preserve the animal's body heat and  
12 keep it dry.

13 (2) (i) Except as provided in subparagraph (ii), a  
14 person convicted of violating paragraph (1) commits a  
15 summary offense.

16 (ii) A person convicted for a second or subsequent  
17 time of violating paragraph (1) commits a misdemeanor of  
18 the third degree if all of the following occurred:

19 (A) The action or omission for which the person  
20 was convicted for a subsequent time was performed on  
21 a dog or cat.

22 (B) The dog or cat was seriously injured,  
23 suffered severe physical distress or was placed at  
24 imminent risk of serious physical harm as the result  
25 of the person's action or omission.

26 (3) This subsection shall not apply to activity  
27 undertaken in normal agricultural operation.

28 (d) Selling or using disabled horse.--A person commits a  
29 summary offense if he offers for sale or sells any horse, which  
30 by reason of debility, disease or lameness, or for other cause,

1 could not be worked or used without violating the laws against  
2 cruelty to animals, or leads, rides, drives or transports any  
3 such horse for any purpose, except that of conveying the horse  
4 to the nearest available appropriate facility for its humane  
5 keeping or destruction or for medical or surgical treatment.

6 (e) Transporting animals in cruel manner.--A person commits  
7 a summary offense if he carries, or causes, or allows to be  
8 carried in or upon any cart, or other vehicle whatsoever, any  
9 animal in a cruel or inhumane manner. The person taking him into  
10 custody may take charge of the animal and of any such vehicle  
11 and its contents, and deposit the same in some safe place of  
12 custody, and any necessary expenses which may be incurred for  
13 taking charge of and keeping the same, and sustaining any such  
14 animal, shall be a lien thereon, to be paid before the same can  
15 lawfully be recovered, or the said expenses or any part thereof  
16 remaining unpaid may be recovered by the person incurring the  
17 same from the owner of said creature in any action therefor.

18 For the purposes of this section, it shall not be deemed  
19 cruel or inhumane to transport live poultry in crates so long as  
20 not more than 15 pounds of live poultry are allocated to each  
21 cubic foot of space in the crate.

22 (e.1) Transporting equine animals in cruel manner.--  
23 Notwithstanding any other provision of law, a person commits a  
24 summary offense for each equine animal if the person carries, or  
25 causes or allows to be carried, any equine animal in or upon any  
26 conveyance or other vehicle whatsoever with two or more levels  
27 stacked on top of one another. A person who violates this  
28 subsection on a second or subsequent occasion commits a  
29 misdemeanor of the third degree for each equine animal  
30 transported.



1 (f) Hours of labor of animals.--A person commits a summary  
2 offense if he leads, drives, rides or works or causes or permits  
3 any other person to lead, drive, ride or work any horse, mare,  
4 mule, ox, or any other animal, whether belonging to himself or  
5 in his possession or control, for more than 15 hours in any 24  
6 hour period, or more than 90 hours in any one week.

7 Nothing in this subsection contained shall be construed to  
8 warrant any persons leading, driving, riding or walking any  
9 animal a less period than 15 hours, when so doing shall in any  
10 way violate the laws against cruelty to animals.

11 (g) Cruelty to cow to enhance appearance of udder.--A person  
12 commits a summary offense if he kneads or beats or pads the  
13 udder of any cow, or willfully allows it to go unmilked for a  
14 period of 24 hours or more, for the purpose of enhancing the  
15 appearance or size of the udder of said cow, or by a muzzle or  
16 any other device prevents its calf, if less than six weeks old,  
17 from obtaining nourishment, and thereby relieving the udder of  
18 said cow, for a period of 24 hours.

19 (h) Specific violations; prima facie evidence of  
20 violation.--

21 (1) (i) A person commits a summary offense if the  
22 person crops, trims or cuts off, or causes or procures to  
23 be cropped, trimmed or cut off, the whole or part of the  
24 ear or ears of a dog.

25 (ii) The provisions of this paragraph shall not  
26 prevent a veterinarian from cropping, trimming or cutting  
27 off the whole or part of the ear or ears of a dog when  
28 the dog is anesthetized and shall not prevent any person  
29 from causing or procuring the cropping, trimming or  
30 cutting off of a dog's ear or ears by a veterinarian.

1           (iii) The possession by any person of a dog with an  
2 ear or ears cropped, trimmed or cut off and with the  
3 wound or incision site resulting therefrom unhealed, or  
4 any such dog being found in the charge or custody of any  
5 person or confined upon the premises owned by or under  
6 the control of any person, shall be prima facie evidence  
7 of a violation of this subsection by the person except as  
8 provided for in this subsection.

9           (iv) A person who procures the cropping, trimming or  
10 cutting off of the whole or part of an ear or ears of a  
11 dog shall record the procedure. The record shall include  
12 the name of the attending veterinarian and the date and  
13 location at which the procedure was performed. The record  
14 shall be kept as long as the wound or incision site is  
15 unhealed and shall be transferred with the dog during  
16 that period of time.

17       (2) (i) A person commits a summary offense if the  
18 person debarks a dog by cutting, causing or procuring the  
19 cutting of its vocal cords or by altering, causing or  
20 procuring the alteration of any part of its resonance  
21 chamber.

22           (ii) The provisions of this paragraph shall not  
23 prevent a veterinarian from cutting the vocal cords or  
24 otherwise altering the resonance chamber of a dog when  
25 the dog is anesthetized and shall not prevent a person  
26 from causing or procuring a debarking procedure by a  
27 veterinarian.

28           (iii) The possession by any person of a dog with the  
29 vocal cords cut or the resonance chamber otherwise  
30 altered and with the wound or incision site resulting

1           therefrom unhealed, or any such dog being found in the  
2           charge or custody of any person or confined upon the  
3           premises owned by or under the control of any person,  
4           shall be prima facie evidence of a violation of this  
5           paragraph by the person, except as provided in this  
6           paragraph.

7           (iv) A person who procures the cutting of vocal  
8           cords or the alteration of the resonance chamber of a dog  
9           shall record the procedure. The record shall include the  
10          name of the attending veterinarian and the date and  
11          location at which the procedure was performed. The record  
12          shall be kept as long as the wound or incision site is  
13          unhealed and shall be transferred with the dog during  
14          that period of time.

15          (3) (i) A person commits a summary offense if the  
16          person docks, cuts off, causes or procures the docking or  
17          cutting off of the tail of a dog over five days old.

18          (ii) The provisions of this paragraph shall not  
19          prevent a veterinarian from docking, cutting off or  
20          cropping the whole or part of the tail of a dog when the  
21          dog is at least 12 weeks of age and the procedure is  
22          performed using general anesthesia and shall not prevent  
23          a person from causing or procuring the cutting off or  
24          docking of a tail of a dog by a veterinarian as provided  
25          in this paragraph.

26          (iii) The provisions of this section shall not  
27          prevent a veterinarian from surgically removing, docking,  
28          cutting off or cropping the tail of a dog between five  
29          days and 12 weeks of age if, in the veterinarian's  
30          professional judgment, the procedure is medically

1 necessary for the health and welfare of the dog. If the  
2 procedure is performed, it shall be done in accordance  
3 with generally accepted standards of veterinary practice.

4 (iv) The possession by any person of a dog with a  
5 tail cut off or docked and with the wound or incision  
6 site resulting therefrom unhealed, or any such dog being  
7 found in the charge or custody of any person or confined  
8 upon the premises owned by or under the control of any  
9 person, shall be prima facie evidence of a violation of  
10 this paragraph by the person, except as provided in this  
11 paragraph.

12 (v) A person who procures the cutting off or docking  
13 of a tail of a dog shall record the procedure. The record  
14 shall include the name of the attending veterinarian and  
15 the date and location at which the procedure was  
16 performed. The record shall be kept as long as the wound  
17 or incision site is unhealed and shall be transferred  
18 with the dog during that period of time.

19 (4) (i) A person commits a summary offense if the  
20 person surgically births or causes or procures a surgical  
21 birth.

22 (ii) The provisions of this section shall not  
23 prevent a veterinarian from surgically birthing a dog  
24 when the dog is anesthetized and shall not prevent any  
25 person from causing or procuring a surgical birthing by a  
26 veterinarian.

27 (iii) The possession by any person of a dog with a  
28 wound or incision site resulting from a surgical birth  
29 unhealed, or any such dog being found in the charge or  
30 custody of any person or confined upon the premises owned

1 by or under the control of any person, shall be prima  
2 facie evidence of a violation of this paragraph by the  
3 person, except as provided in this paragraph.

4 (iv) A person who procures the surgical birth of a  
5 dog shall record the procedure. The record shall include  
6 the name of the attending veterinarian and the date and  
7 location at which the procedure was performed. The record  
8 shall be kept as long as the wound or incision site is  
9 unhealed and shall be transferred with the dog during  
10 that period of time.

11 (v) This paragraph shall not apply to personnel  
12 required to comply with standards to minimize pain to an  
13 animal set forth in section 2143(a)(3) of the Animal  
14 Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.),  
15 trained in accordance with section 2143(d) of the Animal  
16 Welfare Act, who work in a federally registered research  
17 facility required to comply with the Animal Welfare Act  
18 under the guidance or oversight of a veterinarian.

19 (5) (i) A person commits a summary offense if the  
20 person cuts off or causes or procures the cutting off of  
21 the dewclaw of a dog over five days old.

22 (ii) The provisions of this paragraph shall not  
23 prevent a veterinarian from cutting the dewclaw and shall  
24 not prevent a person from causing or procuring the  
25 procedure by a veterinarian.

26 (iii) The possession by any person of a dog with the  
27 dewclaw cut off and with the wound or incision site  
28 resulting therefrom unhealed, or any such dog being found  
29 in the charge or custody of any person or confined upon  
30 the premises owned by or under the control of any person,

1 shall be prima facie evidence of a violation of this  
2 paragraph by the person, except as provided in this  
3 paragraph.

4 (iv) A person who procures the cutting off of the  
5 dewclaw of a dog shall record the procedure. The record  
6 shall include the name of the attending veterinarian and  
7 the date and location at which the procedure was  
8 performed. The record shall be kept as long as the wound  
9 or incision site is unhealed and shall be transferred  
10 with the dog during that period of time.

11 (h.1) Animal fighting.--A person commits a felony of the  
12 third degree if he:

13 (1) for amusement or gain, causes, allows or permits any  
14 animal to engage in animal fighting;

15 (2) receives compensation for the admission of another  
16 person to any place kept or used for animal fighting;

17 (3) owns, possesses, keeps, trains, promotes, purchases,  
18 steals or acquires in any manner or knowingly sells any  
19 animal for animal fighting;

20 (4) in any way knowingly encourages, aids or assists  
21 therein;

22 (5) wagers on the outcome of an animal fight;

23 (6) pays for admission to an animal fight or attends an  
24 animal fight as a spectator; or

25 (7) knowingly permits any place under his control or  
26 possession to be kept or used for animal fighting.

27 This subsection shall not apply to activity undertaken in a  
28 normal agricultural operation.

29 (h.2) Possession of animal fighting paraphernalia.--In  
30 addition to any other penalty provided by law, a person commits

1 a misdemeanor of the third degree if he knowingly owns or  
2 possesses animal fighting paraphernalia.

3 (i) Power to initiate criminal proceedings.--An agent of any  
4 society or association for the prevention of cruelty to animals,  
5 incorporated under the laws of the Commonwealth, shall have the  
6 same powers to initiate criminal proceedings provided for police  
7 officers by the Pennsylvania Rules of Criminal Procedure. An  
8 agent of any society or association for the prevention of  
9 cruelty to animals, incorporated under the laws of this  
10 Commonwealth, shall have standing to request any court of  
11 competent jurisdiction to enjoin any violation of this section.

12 (j) Seizure of animals kept or used for animal fighting.--  
13 Any police officer or agent of a society or association for the  
14 prevention of cruelty to animals incorporated under the laws of  
15 this Commonwealth, shall have power to seize any animal kept,  
16 used, or intended to be used for animal fighting. When the  
17 seizure is made, the animal or animals so seized shall not be  
18 deemed absolutely forfeited, but shall be held by the officer or  
19 agent seizing the same until a conviction of some person is  
20 first obtained for a violation of subsection (h.1) or forfeiture  
21 is obtained under the act of July 9, 2013 (P.L.263, No.50),  
22 known as the Costs of Care of Seized Animals Act. The officer or  
23 agent making such seizure shall make due return to the issuing  
24 authority, of the number and kind of animals or creatures so  
25 seized by him. Where an animal is thus seized, the police  
26 officer or agent is authorized to provide such care as is  
27 reasonably necessary, and where any animal thus seized is found  
28 to be disabled, injured or diseased beyond reasonable hope of  
29 recovery, the police officer or agent is authorized to provide  
30 for the humane destruction of the animal. In addition to any

1 other penalty provided by law, the authority imposing sentence  
2 upon a conviction for any violation of subsection (h.1) shall  
3 order the forfeiture or surrender of any abused, neglected or  
4 deprived animal of the defendant to any society or association  
5 for the prevention of cruelty to animals duly incorporated under  
6 the laws of this Commonwealth and shall require that the owner  
7 pay the cost of the keeping, care and destruction of the animal.

8 (k) Killing homing pigeons.--A person commits a summary  
9 offense if he shoots, maims or kills any antwerp or homing  
10 pigeon, either while on flight or at rest, or detains or entraps  
11 any such pigeon which carries the name of its owner.

12 (l) Search warrants.--Where a violation of this section is  
13 alleged, any issuing authority may, in compliance with the  
14 applicable provisions of the Pennsylvania Rules of Criminal  
15 Procedure, issue to any police officer or any agent of any  
16 society or association for the prevention of cruelty to animals  
17 duly incorporated under the laws of this Commonwealth a search  
18 warrant authorizing the search of any building or any enclosure  
19 in which any violation of this section is occurring or has  
20 occurred, and authorizing the seizure of evidence of the  
21 violation including, but not limited to, the animals which were  
22 the subject of the violation. Where an animal thus seized is  
23 found to be neglected or starving, the police officer or agent  
24 is authorized to provide such care as is reasonably necessary,  
25 and where any animal thus seized is found to be disabled,  
26 injured or diseased beyond reasonable hope of recovery, the  
27 police officer or agent is authorized to provide for the humane  
28 destruction of the animal. The cost of the keeping, care and  
29 destruction of the animal shall be paid by the owner thereof and  
30 claims for the costs shall constitute a lien upon the animal. In



1 addition to any other penalty provided by law, the authority  
2 imposing sentence upon a conviction for any violation of this  
3 section may require that the owner pay the cost of the keeping,  
4 care and destruction of the animal. No search warrant shall be  
5 issued based upon an alleged violation of this section which  
6 authorizes any police officer or agent or other person to enter  
7 upon or search premises where scientific research work is being  
8 conducted by, or under the supervision of, graduates of duly  
9 accredited scientific schools or where biological products are  
10 being produced for the care or prevention of disease.

11 (m) Forfeiture.--In addition to any other penalty provided  
12 by law, the authority imposing sentence upon a conviction for  
13 any violation of this section may order the forfeiture or  
14 surrender of any abused, neglected or deprived animal of the  
15 defendant to any society or association for the prevention of  
16 cruelty to animals duly incorporated under the laws of this  
17 Commonwealth.

18 (m.1) Fine for summary offense.--In addition to any other  
19 penalty provided by law, a person convicted of a summary offense  
20 under this section shall pay a fine of not less than \$50 nor  
21 more than \$750 or to imprisonment for not more than 90 days, or  
22 both.

23 (m.2) Prohibition of ownership.--Notwithstanding any  
24 provision of law and in addition to any other penalty provided  
25 by law, the authority imposing sentence upon a conviction for  
26 any violation of this section may order the prohibition or  
27 limitation of the defendant's ownership, possession, control or  
28 custody of animals or employment with the care of animals for a  
29 period of time not to exceed the statutory maximum term of  
30 imprisonment applicable to the offense for which sentence is

1 being imposed.

2 (n) Skinning of and selling or buying pelts of dogs and  
3 cats.--A person commits a summary offense if he skins a dog or  
4 cat or offers for sale or exchange or offers to buy or exchange  
5 the pelt or pelts of any dog or cat.

6 (o) Representation of humane society by attorney.--Upon  
7 prior authorization and approval by the district attorney of the  
8 county in which the proceeding is held, an association or agent  
9 may be represented in any proceeding under this section by any  
10 attorney admitted to practice before the Supreme Court of  
11 Pennsylvania and in good standing. Attorney's fees shall be  
12 borne by the humane society or association which is represented.

13 (o.1) Construction of section.--The provisions of this  
14 section shall not supersede the act of December 7, 1982  
15 (P.L.784, No.225), known as the Dog Law.

16 (p) Applicability of section.--This section shall not apply  
17 to, interfere with or hinder any activity which is authorized or  
18 permitted pursuant to the act of June 3, 1937 (P.L.1225,  
19 No.316), known as The Game Law or Title 34 (relating to game).

20 (q) Definitions.--As used in this section, the following  
21 words and phrases shall have the meanings given to them in this  
22 subsection:

23 "Animal fighting." Fighting or baiting any bull, bear, dog,  
24 cock or other creature.

25 "Animal fighting paraphernalia." Any device, implement,  
26 object or drug used or intended to be used for animal fighting,  
27 to train an animal for animal fighting or in furtherance of  
28 animal fighting. In determining whether an object is animal  
29 fighting paraphernalia, a court or other authority should  
30 consider statements by an owner or by anyone in control of the

1 object concerning its use, any prior convictions under Federal  
2 or State law relating to animal fighting, the proximity of the  
3 object in time and space to the direct violation of this  
4 section, direct or circumstantial evidence of the intent of the  
5 accused to deliver the object to persons whom he or she knows or  
6 should reasonably know intends to use the object to facilitate a  
7 violation of this section, oral or written instructions provided  
8 with or in the vicinity of the object concerning its use,  
9 descriptive materials accompanying the object which explain or  
10 depict its use and all other logically relevant factors.

11 "Audibly impaired." The inability to hear air conduction  
12 thresholds at an average of 40 decibels or greater in the better  
13 ear.

14 "Blind." Having a visual acuity of 20/200 or less in the  
15 better eye with correction or having a limitation of the field  
16 of vision such that the widest diameter of the visual field  
17 subtends an angular distance not greater than 20 degrees.

18 "Conveyance." A truck, tractor, trailer or semitrailer, or  
19 any combination of these, propelled or drawn by mechanical  
20 power.

21 "Deaf." Totally impaired hearing or hearing with or without  
22 amplification which is so seriously impaired that the primary  
23 means of receiving spoken language is through other sensory  
24 input, including, but not limited to, lip reading, sign  
25 language, finger spelling or reading.

26 "Domestic animal." Any dog, cat, equine animal, bovine  
27 animal, sheep, goat or porcine animal.

28 "Domestic fowl." Any avian raised for food, hobby or sport.

29 "Equine animal." Any member of the Equidae family, which  
30 includes horses, asses, mules, ponies and zebras.

1 "Normal agricultural operation." Normal activities,  
2 practices and procedures that farmers adopt, use or engage in  
3 year after year in the production and preparation for market of  
4 poultry, livestock and their products in the production and  
5 harvesting of agricultural, agronomic, horticultural,  
6 silvicultural and aquicultural crops and commodities.

7 "Physically limited." Having limited ambulation, including,  
8 but not limited to, a temporary or permanent impairment or  
9 condition that causes an individual to use a wheelchair or walk  
10 with difficulty or insecurity, affects sight or hearing to the  
11 extent that an individual is insecure or exposed to danger,  
12 causes faulty coordination or reduces mobility, flexibility,  
13 coordination or perceptiveness.

14 "Zoo animal." Any member of the class of mammalia, aves,  
15 amphibia or reptilia which is kept in a confined area by a  
16 public body or private individual for purposes of observation by  
17 the general public.

18 § 5511.1. Live animals as prizes prohibited.

19 (a) General rule.--No person shall give or offer to give  
20 away any live animal, except fish, as a prize in any drawing,  
21 lottery, contest, sweepstakes or other game. No person operating  
22 any drawing, lottery, contest, sweepstake or other game shall  
23 sell or offer to sell any live animal, except fish, in  
24 conjunction with the operation of a drawing, lottery, contest,  
25 sweepstakes or other game.

26 (b) Exception.--

27 (1) This section shall not apply to any domestic animal  
28 given away or sold in connection with any agricultural,  
29 educational or vocational program sponsored or sanctioned by  
30 the Department of Agriculture.

1           (2) The Department of Agriculture shall promulgate the  
2 rules and regulations necessary to provide the conditions and  
3 requirements of live animal offerings under this subsection.

4           (c) Construction of section.--The provisions of this section  
5 shall not supersede the act of December 7, 1982 (P.L.784,  
6 No.225), known as the Dog Law.

7           (d) Penalty.--A violation of this section constitutes a  
8 summary offense punishable by a fine of not more than \$250.  
9 § 5511.2. Police animals.

10          (a) Illegal to taunt police animals.--It shall be unlawful  
11 for any person to willfully or maliciously taunt, torment,  
12 tease, beat, kick or strike a police animal. Any person who  
13 violates any of the provisions of this subsection commits a  
14 felony of the third degree.

15          (b) Illegal to torture police animals.--It shall be unlawful  
16 for any person to willfully or maliciously torture, mutilate,  
17 injure, disable, poison or kill a police animal. Any person who  
18 violates any of the provisions of this subsection commits a  
19 felony of the second degree.

20          (c) Restitution.--In any case in which a defendant is  
21 convicted of a violation of subsection (a) or (b), the defendant  
22 shall be ordered to make restitution to the agency or individual  
23 owning the animal for any veterinary bills, for replacement  
24 costs of the animal if it is disabled or killed and for the  
25 salary of the animal's handler for the period of time the  
26 handler's services are lost to the agency.

27          (d) Definitions.--As used in this section, the following  
28 words and phrases shall have the meanings given to them in this  
29 subsection:

30          "Accelerate detection dog." A dog which is trained for

1 accelerant detection, commonly referred to as arson canines.

2 "Bomb detection dog." A dog which is trained to locate a  
3 bomb or explosives by scent.

4 "Narcotic detection dog." A dog which is trained to locate  
5 narcotics by scent.

6 "Police animal." An animal, including, but not limited to,  
7 dogs and horses, used by the Pennsylvania State Police, a police  
8 department created by a metropolitan transportation authority  
9 operating under 74 Pa.C.S. Ch. 17 (relating to metropolitan  
10 transportation authorities), a police department created  
11 pursuant to the act of April 6, 1956 (1955 P.L.1414, No.465),  
12 known as the Second Class County Port Authority Act, the Capitol  
13 Police, the Department of Corrections, a county facility or  
14 office or by a municipal police department, fire department,  
15 search and rescue unit or agency or handler under the  
16 supervision of such department, search and rescue unit or agency  
17 in the performance of the functions or duties of such  
18 department, search and rescue unit or agency, whether the animal  
19 is on duty or not on duty. The term shall include, but not be  
20 limited to, an accelerant detection dog, bomb detection dog,  
21 narcotic detection dog, search and rescue dog and tracking  
22 animal.

23 "Search and rescue dog." A dog which is trained to locate  
24 lost or missing persons, victims of natural or manmade disasters  
25 and human bodies.

26 "Tracking animal." An animal which is trained to track or  
27 used to pursue a missing person, escaped inmate or fleeing  
28 felon.

29 § 5511.3. Assault with a biological agent on animal, fowl or  
30 honey bees.

1 (a) Offense defined.--A person commits a felony of the  
2 second degree if the person intentionally, knowingly or  
3 maliciously exposes or causes to be exposed an animal, fowl or  
4 honey bees to any virus, bacteria, prion or other agent which  
5 causes infectious disease, including any of the following:

6 (1) Foot-and-mouth disease.

7 (2) Bovine spongiform encephalopathy (BSE), commonly  
8 known as mad cow disease.

9 (3) Avian influenza.

10 (4) Varroamite.

11 (b) Restitution.--The person convicted of violating this  
12 section shall, in addition to any other sentence imposed, be  
13 sentenced to pay the owner of the afflicted animal, fowl or  
14 honey bees restitution in an amount equal to the cost of the  
15 financial damages incurred as a result of the offense, including  
16 the following:

17 (1) Value of afflicted animal, fowl or honey bees.

18 (2) Disposal of afflicted animal, fowl or honey bees.

19 (3) Testing for disease on existing animal.

20 (4) Cleanup and sanitization of property and buildings  
21 on and in which afflicted animals, fowl or honey bees were  
22 located.

23 (5) Liability insurance for cleanup and sanitization  
24 workers.

25 (6) Soil testing of property.

26 (7) Loss revenue for aggrieved owner of afflicted  
27 animal, fowl or honey bees.

28 (c) Exceptions.--The provisions of this section shall not  
29 apply to research or veterinarian services, including  
30 immunizations, vaccinations or other treatments administered

1 during the normal scope of practice.]

2 Section 4. Chapter 55 of Title 18 is amended by adding a  
3 subchapter to read:

4 SUBCHAPTER B

5 CRUELTY TO ANIMALS

6 Sec.

7 5531. Definitions.

8 5532. Neglect of animal.

9 5533. Cruelty to animal.

10 5534. Aggravated cruelty to animal.

11 5535. Attack of guide dog.

12 5536. Tethering of unattended dog.

13 5537. Selling or using disabled horse.

14 5538. Transporting animals in cruel manner.

15 5539. Transporting equine animals in cruel manner.

16 5540. Hours of labor of animals.

17 5541. Cruelty to cow to enhance appearance of udder.

18 5542. Animal mutilation and related offenses.

19 5543. Animal fighting.

20 5544. Possession of animal fighting paraphernalia.

21 5545. Killing homing pigeons.

22 5546. Skinning of and selling or buying pelts of dogs and cats.

23 5547. Live animals as prizes prohibited.

24 5548. Police animals.

25 5549. Assault with a biological agent on animal, fowl or honey  
26 bees.

27 5550. Fine and term of imprisonment for summary offense.

28 5551. Power to initiate criminal proceedings.

29 5552. Seizure of animals kept or used for animal fighting.

30 5553. Search warrants.



1 5554. Forfeiture.

2 5555. Prohibition of ownership.

3 5556. Civil immunity for ~~veterinarians~~ LICENSED DOCTORS OF <--  
4 VETERINARY MEDICINE, technicians and assistants.

5 5557. Civil immunity for humane society police officers.

6 5558. Representation of humane society by attorney.

7 5559. Construction of subchapter.

8 5560. Exemption of normal agricultural operations.

9 5561. Nonapplicability of subchapter.

10 § 5531. Definitions.

11 The following words and phrases when used in this subchapter  
12 shall have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Accelerant detection dog." A dog that is trained for  
15 accelerant detection, commonly referred to as arson canines.

16 "Animal fighting." Fighting or baiting a bull, bear, dog,  
17 cock or other creature.

18 "Animal fighting paraphernalia." A device, implement, object  
19 or drug used or intended to be used for animal fighting, to  
20 train an animal for animal fighting or in furtherance of animal  
21 fighting. In determining whether an object is animal fighting  
22 paraphernalia, a court or other authority should consider the  
23 following:

24 (1) Statements by an owner or by an individual in  
25 control of the object concerning its use.

26 (2) A prior conviction under Federal or State law  
27 relating to animal fighting.

28 (3) The proximity of the object in time and space to the  
29 direct violation of this subchapter.

30 (4) Direct or circumstantial evidence of the intent of

1 the accused to deliver the object to persons whom the accused  
2 knows or should reasonably know intends to use the object to  
3 facilitate a violation of this subchapter.

4 (5) Oral or written instructions provided with or in the  
5 vicinity of the object concerning the object's use.

6 (6) Descriptive materials accompanying the object which  
7 explain or depict the object's use.

8 (7) All other logically relevant factors.

9 "Audibly impaired." The inability to hear air conduction  
10 thresholds at an average of 40 decibels or greater in the better  
11 ear.

12 "Blind." Having a visual acuity of 20/200 or less in the  
13 better eye with correction or having a limitation of the field  
14 of vision such that the widest diameter of the visual field  
15 subtends an angular distance not greater than 20 degrees.

16 "Bodily injury." Impairment of physical condition or  
17 substantial pain.

18 "Bomb detection dog." A dog that is trained to locate a bomb  
19 or explosives by scent.

20 "Certified veterinary technician." As defined in section  
21 3(13) of the act of December 27, 1974 (P.L.995, No.326), known  
22 as the Veterinary Medicine Practice Act.

23 "Conveyance." A truck, tractor, trailer or semitrailer, or a  
24 combination of these, propelled or drawn by mechanical power.

25 "Deaf." Totally impaired hearing or hearing with or without  
26 amplification which is so seriously impaired that the primary  
27 means of receiving spoken language is through other sensory  
28 input, including, but not limited to, lip reading, sign  
29 language, finger spelling or reading.

30 "Domestic animal." A dog, cat, equine animal, bovine animal,

1 sheep, goat or porcine animal.

2 "Domestic fowl." An avis raised for food, hobby or sport.

3 "Equine animal." A member of the Equidae family, which  
4 includes horses, asses, mules, ponies and zebras.

5 "Humane society police officer." As defined in 22 Pa.C.S. §  
6 3702 (relating to definitions).

7 "Licensed doctor of veterinary medicine." As defined in  
8 section 3(8) of the Veterinary Medicine Practice Act.

9 "Narcotic detection dog." A dog that is trained to locate  
10 narcotics by scent.

11 "Normal agricultural operation." Normal activities,  
12 practices and procedures that farmers adopt, use or engage in  
13 year after year in the production and preparation for market of  
14 poultry, livestock and their products in the production and  
15 harvesting of agricultural, agronomic, horticultural,  
16 silvicultural and aquicultural crops and commodities.

17 "Physically limited." Having limited ambulation, including,  
18 but not limited to, a temporary or permanent impairment or  
19 condition that causes an individual to use a wheelchair or walk  
20 with difficulty or insecurity, affects sight or hearing to the  
21 extent that an individual is insecure or exposed to danger,  
22 causes faulty coordination or reduces mobility, flexibility,  
23 coordination or perceptiveness.

24 "Police animal." An animal, including, but not limited to,  
25 dogs and horses, used by the Pennsylvania State Police, a police  
26 department created by a metropolitan transportation authority  
27 operating under 74 Pa.C.S. Ch. 17 (relating to metropolitan  
28 transportation authorities), a police department created under  
29 the act of April 6, 1956 (1955 P.L.1414, No.465), known as the  
30 Second Class County Port Authority Act, the Capitol Police, the

1 Department of Corrections, a county facility or office or by a  
2 municipal police department, fire department, search and rescue  
3 unit or agency or handler under the supervision of the  
4 department, search and rescue unit or agency in the performance  
5 of the functions or duties of the department, search and rescue  
6 unit or agency, whether the animal is on duty or not on duty.  
7 The term shall include, but not be limited to, an accelerant  
8 detection dog, bomb detection dog, narcotic detection dog,  
9 search and rescue dog and tracking animal.

10 "Search and rescue dog." A dog that is trained to locate  
11 lost or missing persons, victims of natural or manmade disasters  
12 and human bodies.

13 "Serious bodily injury." Bodily injury that creates a  
14 substantial risk of death or causes serious, permanent  
15 disfigurement or protracted loss or impairment of the function  
16 of a bodily member or organ.

17 "Torture." Any of the following acts directed toward or  
18 against an animal unless directed to be performed by a  
19 ~~veterinarian~~ LICENSED DOCTOR OF VETERINARY MEDICINE acting <--  
20 within the normal scope of practice:

21 (1) Breaking, severing or severely impairing limbs.

22 (2) Inflicting severe and prolonged pain from burning,  
23 crushing or wounding.

24 (3) Causing or allowing severe and prolonged pain  
25 through prolonged deprivation of food or sustenance without  
26 veterinary care.

27 "Tracking animal." An animal that is trained to track or  
28 used to pursue a missing person, escaped inmate or fleeing  
29 felon.

30 ~~"Veterinarian." A licensed doctor of veterinary medicine,~~ <--

1 ~~certified veterinary technician or veterinary assistant.~~

2 "Veterinary assistant." As defined in section 3(14) of the  
3 Veterinary Medicine Practice Act.

4 § 5532. Neglect of animal.

5 (a) Offense defined.--A person commits an offense if the  
6 person fails to provide any of the following for each animal to  
7 which the person has a duty of care, whether belonging to  
8 himself or otherwise:

9 (1) Necessary sustenance and potable water.

10 (2) Access to clean and sanitary shelter and protection  
11 from the weather. The shelter must be sufficient to permit  
12 the animal to retain body heat and keep the animal dry.

13 (3) Necessary veterinary care.

14 (b) Grading.--

15 (1) Except as set forth in paragraph (2), a violation of  
16 this section is a summary offense.

17 (2) If the violation causes bodily injury to the animal  
18 or places the animal at imminent risk of serious bodily  
19 injury, a violation of this section is a misdemeanor of the  
20 third degree.

21 § 5533. Cruelty to animal.

22 (a) Offense defined.--A person commits an offense if the  
23 person intentionally, knowingly or recklessly illtreats,  
24 overloads, beats, abandons or abuses an animal.

25 (b) Grading.--

26 (1) Except as set forth in paragraph (2), a violation of  
27 this section is a summary offense.

28 (2) If the violation causes bodily injury to the animal  
29 or places the animal at imminent risk of serious bodily  
30 injury, a violation of this section is a misdemeanor of the

1 second degree.

2 § 5534. Aggravated cruelty to animal.

3 (a) Offense defined.--A person commits an offense if the  
4 person intentionally or knowingly does any of the following:

5 (1) Tortures an animal.

6 (2) Violates section 5532 (relating to neglect of  
7 animal) or 5533 (relating to cruelty to animal) causing  
8 serious bodily injury to the animal or the death of the  
9 animal.

10 (b) Grading.--A violation of this section is a felony of the  
11 third degree.

12 § 5535. Attack of guide dog.

13 (a) Offense defined.--A person commits a misdemeanor of the  
14 third degree if the person is the owner of a dog that kills,  
15 maims or disfigures a guide dog of an individual who is blind, a  
16 hearing dog of an individual who is deaf or audibly impaired or  
17 a service dog of an individual who is physically limited without  
18 provocation by the guide, hearing or service dog or the  
19 individual.

20 (b) Culpability.--A person commits an offense under this  
21 section only if the person knew or should have known that the  
22 dog the person owns had a propensity to attack human beings or  
23 domestic animals without provocation, and the owner knowingly or  
24 recklessly failed to restrain the dog or keep the dog in a  
25 contained, secure manner.

26 (c) Penalty.--A person convicted of violating this section  
27 shall be sentenced to pay a fine of not more than \$5,000 and  
28 shall be ordered to make reparations for veterinary costs in  
29 treating the guide, hearing or service dog and, if necessary,  
30 the cost of obtaining and training a replacement guide, hearing

1 or service dog.

2 (d) Civil penalty and restitution.--

3 (1) A person who is the owner of a dog that kills, maims  
4 or disfigures a guide dog of an individual who is blind, a  
5 hearing dog of an individual who is deaf or audibly impaired  
6 or a service dog of an individual who is physically limited  
7 shall be subject to paragraph (2) if both of the following  
8 apply:

9 (i) The owner knew the dog had a propensity to  
10 attack human beings or domestic animals.

11 (ii) The owner failed to restrain the dog or keep  
12 the dog in a contained, secure manner.

13 (2) A court of common pleas may impose any of the  
14 following upon a person who is the owner of a dog under  
15 paragraph (1):

16 (i) A civil penalty of up to \$15,000.

17 (ii) Reparations for veterinary costs in treating  
18 the guide, hearing or service dog and, if necessary, the  
19 cost of retraining the dog or of obtaining and training a  
20 replacement guide, hearing or service dog.

21 (iii) Loss of income for the time the individual is  
22 unable to work due to the unavailability of the guide,  
23 hearing or service dog.

24 § 5536. Tethering of unattended dog.

25 (a) Presumptions.--

26 (1) Tethering an unattended dog out of doors for less  
27 than nine hours within a 24-hour period when all of the  
28 following conditions are present shall create a rebuttable  
29 presumption that a dog has not been the subject of neglect  
30 within the meaning of section 5532:

1           (i) The tether is of a type commonly used for the  
2           size and breed of dog and is at least three times the  
3           length of the dog as measured from the tip of its nose to  
4           the base of its tail or 10 feet, whichever is longer.

5           (ii) The tether is secured to a well-fitted collar  
6           or harness by means of a swivel anchor, swivel latch or  
7           other mechanism designed to prevent the dog from becoming  
8           entangled.

9           (iii) The tethered dog has access to potable water  
10          and an area of shade that permits the dog to escape the  
11          direct rays of the sun.

12          (iv) The dog has not been tethered for longer than  
13          30 minutes in temperatures above 90 or below 32 degrees  
14          Fahrenheit.

15          (2) The presence of any of the following conditions  
16          regarding tethering an unattended dog out of doors shall  
17          create a rebuttable presumption that a dog has been the  
18          subject of neglect within the meaning of section 5532:

19           (i) Excessive waste or excrement in the area where  
20           the dog is tethered.

21           (ii) Open sores or wounds on the dog's body.

22           (iii) The use of a tow or log chain, or a choke,  
23           pinch, prong or chain collar.

24          (b) Construction.--This section shall not be construed to  
25          prohibit any of the following:

26           (1) Tethering a dog while actively engaged in lawful  
27           hunting, exhibition, performance events or field training.

28           (2) Tethering a hunting, sporting or sledding dog breed  
29           where tethering is integral to the training, conditioning or  
30           purpose of the dog.



1           (3) Tethering a dog in compliance with the requirements  
2           of a camping or recreational area.

3           (4) Tethering a dog for a period of time, not to exceed  
4           one hour, reasonably necessary for the dog or person to  
5           complete a temporary task.

6   § 5537. Selling or using disabled horse.

7           A person commits a summary offense if the person offers for  
8           sale or sells a horse, which by reason of debility, disease or  
9           lameness, or for other cause, could not be worked or used  
10           without violating the laws against cruelty to animals, or leads,  
11           rides, drives or transports any such horse for any purpose,  
12           except that of conveying the horse to the nearest available  
13           appropriate facility for humane keeping or destruction or for  
14           medical or surgical treatment.

15   § 5538. Transporting animals in cruel manner.

16           (a) Offense defined.--A person commits a summary offense if  
17           the person carries, or causes or allows to be carried, in or  
18           upon any cart or other vehicle whatsoever an animal in a cruel  
19           or inhumane manner. The person taking the offender into custody  
20           may take charge of the animal and of the vehicle and the  
21           vehicle's contents, and deposit the same in a safe place of  
22           custody, and the necessary expenses that may be incurred for  
23           taking charge of and keeping the same, and sustaining the  
24           animal, shall be a lien thereon, to be paid before the same can  
25           lawfully be recovered, or the expenses or any part thereof  
26           remaining unpaid may be recovered by the person incurring the  
27           same from the owner of the animal in an action therefor.

28           (b) Exception.--For the purposes of this section, it shall  
29           not be deemed cruel or inhumane to transport live poultry in  
30           crates so long as not more than 15 pounds of live poultry are

1 allocated to each cubic foot of space in the crate.

2 § 5539. Transporting equine animals in cruel manner.

3 Notwithstanding any other provision of law, a person commits  
4 a summary offense for each equine animal if the person carries,  
5 or causes or allows to be carried, an equine animal in or upon a  
6 conveyance or other vehicle whatsoever with two or more levels  
7 stacked on top of one another. A person who violates this  
8 section on a second or subsequent occasion commits a misdemeanor  
9 of the third degree for each equine animal transported.

10 § 5540. Hours of labor of animals.

11 (a) Offense defined.--A person commits a summary offense if  
12 the person leads, drives, rides or works or causes or permits  
13 another person to lead, drive, ride or work a horse, mule, ox or  
14 other animal, whether belonging to the person or in the person's  
15 possession or control, for more than 15 hours in a 24-hour  
16 period or more than 90 hours in one week.

17 (b) Construction.--Nothing in this section shall be  
18 construed to warrant a person leading, driving, riding or  
19 walking an animal for a period less than 15 hours, when doing so  
20 shall in any way violate the laws against cruelty to animals.

21 § 5541. Cruelty to cow to enhance appearance of udder.

22 A person commits a summary offense if the person kneads or  
23 beats or pads the udder of a cow, or willfully allows it to go  
24 unmilked for a period of 24 hours or more, for the purpose of  
25 enhancing the appearance or size of the udder of the cow, or by  
26 a muzzle or any other device, prevents the cow's calf, if less  
27 than six weeks old, from obtaining nourishment, and thereby  
28 relieving the udder of the cow, for a period of 24 hours.

29 § 5542. Animal mutilation and related offenses.

30 (a) Cropping of ear.--The following apply:

1       (1) A person commits an offense under section 5533  
2       (relating to cruelty to animal) if the person crops, trims or  
3       cuts off, or causes or procures to be cropped, trimmed or cut  
4       off, the whole or part of the ear or ears of a dog.

5       (2) The provisions of this subchapter shall not prevent  
6       a ~~veterinarian~~ LICENSED DOCTOR OF VETERINARY MEDICINE from <--  
7       cropping, trimming or cutting off the whole or part of the  
8       ear or ears of a dog when the dog is anesthetized and shall  
9       not prevent a person from causing or procuring the cropping,  
10       trimming or cutting off of a dog's ear or ears by a  
11       ~~veterinarian~~ LICENSED DOCTOR OF VETERINARY MEDICINE. <--

12       (3) The possession by a person of a dog with an ear or  
13       ears cropped, trimmed or cut off and with the wound or  
14       incision site resulting therefrom unhealed, or any such dog  
15       being found in the charge or custody of any person or  
16       confined upon the premises owned by or under the control of  
17       any person, shall be prima facie evidence of a violation by  
18       the person, except as provided for in this subsection.

19       (4) A person who procures the cropping, trimming or  
20       cutting off of the whole or part of an ear or ears of a dog  
21       shall record the procedure. The record shall include the name  
22       of the attending ~~veterinarian~~ LICENSED DOCTOR OF VETERINARY <--  
23       MEDICINE and the date and location at which the procedure was  
24       performed. The record shall be kept as long as the wound or  
25       incision site is unhealed and shall be transferred with the  
26       dog during that period of time.

27       (b) Debarking.--The following apply:

28       (1) A person commits an offense under section 5533 if  
29       the person debarks a dog by cutting, causing or procuring the  
30       cutting of its vocal cords or by altering, causing or

1 procuring the alteration of a part of its resonance chamber.

2 (2) The provisions of this subchapter shall not prevent  
3 a ~~veterinarian~~ LICENSED DOCTOR OF VETERINARY MEDICINE from <--  
4 cutting the vocal cords or otherwise altering the resonance  
5 chamber of a dog when the dog is anesthetized and shall not  
6 prevent a person from causing or procuring a debarking  
7 procedure by a ~~veterinarian~~ LICENSED DOCTOR OF VETERINARY <--  
8 MEDICINE.

9 (3) The possession by a person of a dog with the vocal  
10 cords cut or the resonance chamber otherwise altered and with  
11 the wound or incision site resulting therefrom unhealed, or  
12 any such dog being found in the charge or custody of a person  
13 or confined upon the premises owned by or under the control  
14 of a person, shall be prima facie evidence of a violation by  
15 the person, except as provided in this subsection.

16 (4) A person who procures the cutting of vocal cords or  
17 the alteration of the resonance chamber of a dog shall record  
18 the procedure. The record shall include the name of the  
19 attending ~~veterinarian~~ LICENSED DOCTOR OF VETERINARY MEDICINE <--  
20 and the date and location at which the procedure was  
21 performed. The record shall be kept as long as the wound or  
22 incision site is unhealed and shall be transferred with the  
23 dog during that period of time.

24 (c) Docking of tail.--The following apply:

25 (1) A person commits an offense under section 5533 if  
26 the person docks, cuts off, causes or procures the docking or  
27 cutting off of the tail of a dog over five days old.

28 (2) The provisions of this subchapter shall not prevent  
29 a ~~veterinarian~~ LICENSED DOCTOR OF VETERINARY MEDICINE from <--  
30 docking, cutting off or cropping the whole or part of the

1 tail of a dog when the dog is at least 12 weeks of age and  
2 the procedure is performed using general anesthesia and shall  
3 not prevent a person from causing or procuring the cutting  
4 off or docking of a tail of a dog by a ~~veterinarian~~ LICENSED <--  
5 DOCTOR OF VETERINARY MEDICINE as provided in this subsection.

6 (3) The provisions of this subchapter shall not prevent  
7 a ~~veterinarian~~ LICENSED DOCTOR OF VETERINARY MEDICINE from <--  
8 surgically removing, docking, cutting off or cropping the  
9 tail of a dog between five days and 12 weeks of age if, in  
10 the ~~veterinarian's~~ LICENSED DOCTOR OF VETERINARY MEDICINE'S <--  
11 professional judgment, the procedure is medically necessary  
12 for the health and welfare of the dog. If the procedure is  
13 performed, it shall be done in accordance with generally  
14 accepted standards of veterinary practice.

15 (4) The possession by a person of a dog with a tail cut  
16 off or docked and with the wound or incision site resulting  
17 therefrom unhealed, or any such dog being found in the charge  
18 or custody of any person or confined upon the premises owned  
19 by or under the control of any person, shall be prima facie  
20 evidence of a violation by the person, except as provided in  
21 this subsection.

22 (5) A person who procures the cutting off or docking of  
23 a tail of a dog shall record the procedure. The record shall  
24 include the name of the attending ~~veterinarian~~ LICENSED <--  
25 DOCTOR OF VETERINARY MEDICINE and the date and location at  
26 which the procedure was performed. The record shall be kept  
27 as long as the wound or incision site is unhealed and shall  
28 be transferred with the dog during that period of time.

29 (d) Surgical birth.--The following apply:

30 (1) A person commits an offense under section 5533 if

1 the person surgically births or causes or procures a surgical  
2 birth.

3 (2) The provisions of this subchapter shall not prevent  
4 a ~~veterinarian~~ LICENSED DOCTOR OF VETERINARY MEDICINE from <--  
5 surgically birthing a dog when the dog is anesthetized and  
6 shall not prevent a person from causing or procuring a  
7 surgical birthing by a ~~veterinarian~~ LICENSED DOCTOR OF <--  
8 VETERINARY MEDICINE.

9 (3) The possession by a person of a dog with a wound or  
10 incision site resulting from a surgical birth unhealed, or  
11 any such dog being found in the charge or custody of a person  
12 or confined upon the premises owned by or under the control  
13 of any person, shall be prima facie evidence of a violation  
14 by the person, except as provided in this subsection.

15 (4) A person who procures the surgical birth of a dog  
16 shall record the procedure. The record shall include the name  
17 of the attending ~~veterinarian~~ LICENSED DOCTOR OF VETERINARY <--  
18 MEDICINE and the date and location at which the procedure was  
19 performed. The record shall be kept as long as the wound or  
20 incision site is unhealed and shall be transferred with the  
21 dog during that period of time.

22 (5) This subsection shall not apply to personnel  
23 required to comply with standards to minimize pain to an  
24 animal set forth in section 2143(a)(3) of the Animal Welfare  
25 Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.), trained in  
26 accordance with section 2143(d) of the Animal Welfare Act,  
27 who work in a federally registered research facility required  
28 to comply with the Animal Welfare Act under the guidance or  
29 oversight of a ~~veterinarian~~ LICENSED DOCTOR OF VETERINARY <--  
30 MEDICINE.

1 (e) ~~Declawing~~ DEWCLAWING.--The following apply: <--

2 (1) A person commits an offense under section 5533 if  
3 the person cuts off or causes or procures the cutting off of  
4 the dewclaw of a dog over five days old.

5 (2) The provisions of this subchapter shall not prevent  
6 a ~~veterinarian~~ LICENSED DOCTOR OF VETERINARY MEDICINE from <--  
7 cutting the dewclaw and shall not prevent a person from  
8 causing or procuring the procedure by a ~~veterinarian~~ LICENSED <--  
9 DOCTOR OF VETERINARY MEDICINE.

10 (3) The possession by a person of a dog with the dewclaw  
11 cut off and with the wound or incision site resulting  
12 therefrom unhealed, or any such dog being found in the charge  
13 or custody of a person or confined upon the premises owned by  
14 or under the control of a person, shall be prima facie  
15 evidence of a violation by the person, except as provided in  
16 this subsection.

17 (4) A person who procures the cutting off of the dewclaw  
18 of a dog shall record the procedure. The record shall include  
19 the name of the attending ~~veterinarian~~ LICENSED DOCTOR OF <--  
20 VETERINARY MEDICINE and the date and location at which the  
21 procedure was performed. The record shall be kept as long as  
22 the wound or incision site is unhealed and shall be  
23 transferred with the dog during that period of time.

24 (f) Additional penalty.--In addition to any other penalty  
25 provided by law, upon conviction for conduct described in this  
26 section, the court may order the convicted person to undergo a  
27 psychological or psychiatric evaluation and to undergo treatment  
28 at the convicted person's expense that the court determines to  
29 be appropriate after due consideration of the evaluation.

30 § 5543. Animal fighting.

1 A person commits a felony of the third degree if the person:

2 (1) for amusement or gain, causes, allows or permits an  
3 animal to engage in animal fighting;

4 (2) receives compensation for the admission of another  
5 person to a place kept or used for animal fighting;

6 (3) owns, possesses, keeps, trains, promotes, purchases,  
7 steals or acquires in any manner or knowingly sells an animal  
8 for animal fighting;

9 (4) in any way knowingly encourages, aids or assists  
10 therein;

11 (5) wagers on the outcome of an animal fight;

12 (6) pays for admission to an animal fight or attends an  
13 animal fight as a spectator; or

14 (7) knowingly permits a place under the person's control  
15 or possession to be kept or used for animal fighting.

16 § 5544. Possession of animal fighting paraphernalia.

17 In addition to any other penalty provided by law, a person  
18 commits a misdemeanor of the third degree if the person  
19 knowingly owns or possesses animal fighting paraphernalia.

20 § 5545. Killing homing pigeons.

21 A person commits a summary offense if the person shoots,  
22 maims or kills an antwerp or homing pigeon, either while on  
23 flight or at rest, or detains or entraps a pigeon which carries  
24 the name of the pigeon's owner.

25 § 5546. Skinning of and selling or buying pelts of dogs and  
26 cats.

27 A person commits a summary offense if the person skins a dog  
28 or cat or offers for sale or exchange or offers to buy or  
29 exchange the pelt or pelts of a dog or cat.

30 § 5547. Live animals as prizes prohibited.



1 (a) General rule.--No person shall give or offer to give  
2 away a live animal, except fish, as a prize in a drawing,  
3 lottery, contest, sweepstakes or other game. No person operating  
4 a drawing, lottery, contest, sweepstakes or other game shall  
5 sell or offer to sell a live animal, except fish, in conjunction  
6 with the operation of a drawing, lottery, contest, sweepstakes  
7 or other game.

8 (b) Regulating certain actions concerning fowl or rabbits.--  
9 No person shall sell, offer for sale, barter or give away baby  
10 chickens, ducklings or other fowl under one month of age or  
11 rabbits under two months of age as pets, toys, premiums or  
12 novelties or color, dye, stain or otherwise change the natural  
13 color of baby chickens, ducklings or other fowl or rabbits. This  
14 subsection shall not be construed to prohibit the sale or  
15 display of baby chickens, ducklings or other fowl or rabbits in  
16 proper facilities by persons engaged in the business of selling  
17 them for purposes of commercial breeding and raising.

18 (c) Exception.--

19 (1) This section shall not apply to a domestic animal  
20 given away or sold in connection with an agricultural,  
21 educational or vocational program sponsored or sanctioned by  
22 the Department of Agriculture.

23 (2) The Department of Agriculture shall promulgate the  
24 rules and regulations necessary to provide the conditions and  
25 requirements of live animal offerings under this subsection.

26 (d) Penalty.--A violation of this section constitutes a  
27 summary offense punishable by a fine of not more than \$250.  
28 § 5548. Police animals.

29 (a) Illegal to taunt police animals.--It shall be unlawful  
30 for a person to intentionally or knowingly taunt, torment,

1 tease, beat, kick or strike a police animal. A person who  
2 violates the provisions of this subsection commits a felony of  
3 the third degree.

4 (b) Illegal to torture police animals.--It shall be unlawful  
5 for a person to intentionally or knowingly torture, mutilate,  
6 injure, disable, poison or kill a police animal. A person who  
7 violates the provisions of this subsection commits a felony of  
8 the second degree.

9 (c) Restitution.--In a case in which a defendant is  
10 convicted of a violation of subsection (a) or (b), the defendant  
11 shall be ordered to make restitution to the agency or individual  
12 owning the animal for veterinary bills, for replacement costs of  
13 the animal if it is disabled or killed and for the salary of the  
14 animal's handler for the period of time the handler's services  
15 are lost to the agency.

16 § 5549. Assault with a biological agent on animal, fowl or  
17 honey bees.

18 (a) Offense defined.--A person commits a felony of the  
19 second degree if the person intentionally, knowingly or  
20 maliciously exposes or causes to be exposed an animal, fowl or  
21 honey bees to a virus, bacteria, prion or other agent which  
22 causes infectious disease, including any of the following:

23 (1) Foot-and-mouth disease.

24 (2) Bovine spongiform encephalopathy (BSE), commonly  
25 known as mad cow disease.

26 (3) Avian influenza.

27 (4) Varroa mite.

28 (b) Restitution.--The person convicted of violating this  
29 section shall, in addition to any other sentence imposed, be  
30 sentenced to pay the owner of the afflicted animal, fowl or

1 honey bees restitution in an amount equal to the cost of the  
2 financial damages incurred as a result of the offense, including  
3 the following:

4 (1) Value of afflicted animal, fowl or honey bees.

5 (2) Disposal of afflicted animal, fowl or honey bees.

6 (3) Testing for disease on existing animal.

7 (4) Cleanup and sanitization of property and buildings  
8 on and in which afflicted animals, fowl or honey bees were  
9 located.

10 (5) Liability insurance for cleanup and sanitization  
11 workers.

12 (6) Soil testing of property.

13 (7) Loss of revenue for the aggrieved owner of afflicted  
14 animal, fowl or honey bees.

15 (c) Exceptions.--The provisions of this section shall not  
16 apply to research or veterinarian services, including  
17 immunizations, vaccinations or other treatments administered  
18 during the normal scope of practice.

19 § 5550. Fine and term of imprisonment for summary offense.

20 Unless otherwise specifically provided, a person convicted of  
21 a summary offense under this subchapter shall, upon conviction,  
22 be sentenced to pay a fine of not less than \$50 nor more than  
23 \$750 or imprisonment for not more than 90 days, or both.

24 § 5551. Power to initiate criminal proceedings.

25 An agent of a society or association for the prevention of  
26 cruelty to animals, incorporated under the laws of this  
27 Commonwealth, shall have the same powers to initiate criminal  
28 proceedings provided for police officers by the Pennsylvania  
29 Rules of Criminal Procedure. An agent of a society or  
30 association for the prevention of cruelty to animals,

1 incorporated under the laws of this Commonwealth, shall have  
2 standing to request a court of competent jurisdiction to enjoin  
3 a violation of this subchapter.

4 § 5552. Seizure of animals kept or used for animal fighting.

5 A police officer or agent of a society or association for the  
6 prevention of cruelty to animals incorporated under the laws of  
7 this Commonwealth shall have power to seize an animal kept, used  
8 or intended to be used for animal fighting. When the seizure is  
9 made, the animal or animals seized shall not be deemed  
10 absolutely forfeited but shall be held by the officer or agent  
11 seizing the animal or animals until a conviction of a person is  
12 first obtained for a violation of section 5543 (relating to  
13 animal fighting) or forfeiture is obtained under the act of July  
14 9, 2013 (P.L.263, No.50), known as the Costs of Care of Seized  
15 Animals Act. The officer or agent making the seizure shall make  
16 due return to the issuing authority of the number and kind of  
17 animals or creatures seized by the officer or agent. Where an  
18 animal is seized, the police officer or agent is authorized to  
19 provide the care that is reasonably necessary and, where an  
20 animal seized is found to be disabled, injured or diseased  
21 beyond reasonable hope of recovery, the police officer or agent  
22 is authorized to provide for the humane destruction of the  
23 animal. In addition to any other penalty provided by law, the  
24 authority imposing sentence upon a conviction for a violation of  
25 section 5543 shall order the forfeiture or surrender of an  
26 abused or neglected animal of the defendant to a society or  
27 association for the prevention of cruelty to animals duly  
28 incorporated under the laws of this Commonwealth and shall  
29 require that the owner pay the cost of the keeping, care and  
30 destruction of the animal.

1 § 5553. Search warrants.

2 Where a violation of this subchapter is alleged, an issuing  
3 authority may, in compliance with the applicable provisions of  
4 the Pennsylvania Rules of Criminal Procedure, issue to a police  
5 officer or an agent of a society or association for the  
6 prevention of cruelty to animals duly incorporated under the  
7 laws of this Commonwealth a search warrant authorizing the  
8 search of a building or an enclosure in which a violation of  
9 this subchapter is occurring or has occurred and authorizing the  
10 seizure of evidence of the violation, including, but not limited  
11 to, the animals which were the subject of the violation. Where  
12 an animal seized is found to be neglected or starving, the  
13 police officer or agent is authorized to provide the care that  
14 is reasonably necessary and, where any animal seized is found to  
15 be disabled, injured or diseased beyond reasonable hope of  
16 recovery, the police officer or agent is authorized to provide  
17 for the humane destruction of the animal. The cost of the  
18 keeping, care and destruction of the animal shall be paid by the  
19 owner of the animal, and claims for the costs shall constitute a  
20 lien upon the animal. In addition to any other penalty provided  
21 by law, the authority imposing sentence upon a conviction for a  
22 violation of this subchapter may require that the owner pay the  
23 cost of the keeping, care and destruction of the animal. No  
24 search warrant shall be issued based upon an alleged violation  
25 of this subchapter which authorizes a police officer or agent or  
26 other person to enter upon or search premises where scientific  
27 research work is being conducted by or under the supervision of  
28 graduates of duly accredited scientific schools or where  
29 biological products are being produced for the care or  
30 prevention of disease.

1 § 5554. Forfeiture.

2 (a) General rule.--Except as provided under subsection (b),  
3 in addition to any other penalty provided by law, the authority  
4 imposing sentence upon a conviction for a violation of this  
5 subchapter may order the forfeiture or surrender of an abused or  
6 neglected animal of the defendant to a society or association  
7 for the prevention of cruelty to animals duly incorporated under  
8 the laws of this Commonwealth.

9 (b) Forfeiture required for felony offense.--If the  
10 conviction under this subchapter is for an offense graded as a  
11 felony, the authority imposing sentence shall order forfeiture  
12 or surrender of an abused or neglected animal of the defendant  
13 to a society or association for the prevention of cruelty to  
14 animals duly incorporated under the laws of this Commonwealth.

15 § 5555. Prohibition of ownership.

16 Notwithstanding any provision of law and in addition to any  
17 other penalty provided by law, the authority imposing sentence  
18 upon a conviction for a violation of this subchapter may order  
19 the prohibition or limitation of the defendant's ownership,  
20 possession, control or custody of animals or employment with the  
21 care of animals for a period of time not to exceed the statutory  
22 maximum term of imprisonment applicable to the offense for which  
23 sentence is being imposed. A humane society police officer, law  
24 enforcement officer or State dog warden shall have authority to  
25 ensure compliance with this section and may notify the local  
26 district attorney who may petition the court to remove animals  
27 kept in violation of this section.

28 § 5556. Civil immunity for ~~veterinarians~~ LICENSED DOCTORS OF <--  
29 VETERINARY MEDICINE, TECHNICIANS AND ASSISTANTS.

30 (a) A ~~veterinarian~~ LICENSED DOCTOR OF VETERINARY MEDICINE, <--

1 CERTIFIED VETERINARY TECHNICIAN OR VETERINARY ASSISTANT who  
2 reports, in good faith and in the normal course of business, a  
3 suspected violation of this subchapter to the proper authority  
4 shall not be liable for civil damages as a result of reporting  
5 the incident.

6 (b) Nonapplicability.--Subsection (a) shall not apply to an  
7 act or omission intentionally designed to harm or to an act or  
8 omission that constitutes gross negligence or willful, wanton or  
9 reckless conduct.

10 § 5557. Civil immunity for humane society police officers.

11 (a) General rule.--A humane society police officer acting in  
12 good faith and within the scope of the authority provided under  
13 this subchapter shall not be liable for civil damages as a  
14 result of an act or omission in the course of an investigation  
15 or enforcement action.

16 (b) Nonapplicability.--Subsection (a) shall not apply to an  
17 act or omission intentionally designed to harm, or to an act or  
18 omission that constitutes gross negligence or willful, wanton or  
19 reckless conduct.

20 § 5558. Representation of humane society by attorney.

21 Upon prior authorization and approval by the district  
22 attorney of the county in which the proceeding is held, an  
23 association or agent may be represented in a proceeding under  
24 this subchapter by an attorney admitted to practice before the  
25 Supreme Court of Pennsylvania and in good standing. Attorney  
26 fees shall be borne by the humane society or association that is  
27 represented.

28 § 5559. Construction of subchapter.

29 The provisions of this subchapter shall not supersede the act  
30 of December 7, 1982 (P.L.784, No.225), known as the Dog Law.

1 § 5560. Exemption of normal agricultural operations.

2 Sections 5532 (relating to neglect of animal), 5533 (relating  
3 to cruelty to animal), 5534 (relating to aggravated cruelty to  
4 animal), 5536 (relating to tethering of unattended dog) and 5543  
5 (relating to animal fighting) shall not apply to activity  
6 undertaken in a normal agricultural operation.

7 § 5561. Nonapplicability of subchapter.

8 (a) Game law.--This subchapter shall not apply to, interfere  
9 with or hinder any activity which is authorized or permitted  
10 under 34 Pa.C.S. (relating to game) or the regulations  
11 promulgated under those laws.

12 (b) Exemptions.--The provisions of this subchapter shall not  
13 apply to the following:

14 (1) The killing of a dog or cat by the owner of that  
15 animal if it is accomplished in accordance with the act of  
16 December 22, 1983 (P.L.303, No.83), known as the Animal  
17 Destruction Method Authorization Law.

18 (2) The killing of an animal found pursuing, wounding or  
19 killing a domestic animal or domestic fowl.

20 (3) The killing of an animal or fowl under 34 Pa.C.S. §§  
21 2384 (relating to declaring dogs public nuisances) and 2385  
22 (relating to destruction of dogs declared public nuisances)  
23 or regulations promulgated under 34 Pa.C.S. §§ 2384 and 2385.

24 (4) Reasonable activity that may be undertaken with  
25 vermin control or pest control.

26 (5) Shooting activities not otherwise prohibited under  
27 this subchapter.

28 (6) Conduct that is lawful under the laws of the United  
29 States or this Commonwealth relating to activities undertaken  
30 by a research facility that is one of the following:



1           (i) Registered and inspected under the Animal  
2           Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.).

3           (ii) Subject to the Public Health Service Policy on  
4           Humane Care and Use of Laboratory Animals provided for  
5           under the Public Health Service Act (58 Stat. 682, 42  
6           U.S.C. § 201 et seq.).

7           (iii) Subject to the provisions of 21 CFR Pt. 58  
8           (relating to good laboratory practice for nonclinical  
9           laboratory studies) under the Federal Food, Drug and  
10           Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.) or  
11           the Public Health Service Act.

12           Section 5. The definitions of "cruelty to animals laws" and  
13 "humane society police officer" in section 3702 of Title 22 are  
14 amended to read:

15 § 3702. Definitions.

16           The following words and phrases when used in this chapter  
17 shall have the meanings given to them in this section unless the  
18 context clearly indicates otherwise:

19           \* \* \*

20           "Cruelty to animals laws." The provisions of 18 Pa.C.S. [§  
21 5511] Ch. 55 Subch. B (relating to cruelty to animals).

22           \* \* \*

23           "Humane society police officer." Any person who holds a  
24 current appointment under this chapter to act as a humane  
25 society police officer for a society or association for the  
26 prevention of cruelty to animals. The term shall include an  
27 individual who is an agent of a society or association for the  
28 prevention of cruelty to animals as "agent" is used in 18  
29 Pa.C.S. [§ 5511] Ch. 55 Subch. B (relating to cruelty to  
30 animals), provided that individual holds a current appointment

1 under this chapter.

2 \* \* \*

3 Section 6. Sections 3704(a), 3705, 3706(a), 3708(a), 3710  
4 and 3716 of Title 22 are amended to read:

5 § 3704. Appointment by nonprofit corporations.

6 (a) Application for appointment.--A society or association  
7 may apply to the court of common pleas in any county for the  
8 appointment of an individual as a humane society police officer  
9 for that county[.] by providing proof of qualification under  
10 section 3705 (relating to qualifications for appointment) to the  
11 court of common pleas and to the district attorney. The court,  
12 upon [such application which includes proof of qualification  
13 under section 3705 (relating to qualifications for appointment),  
14 shall] reviewing the application and considering the  
15 recommendation, if any, of the district attorney, may by order  
16 appoint such person to be a humane society police officer.

17 \* \* \*

18 § 3705. Qualifications for appointment.

19 [An individual shall be qualified for an] In order for an  
20 individual to be considered for appointment as a humane society  
21 police officer [provided], the society or association [submits]  
22 must submit proof satisfactory to the court of common pleas and  
23 the district attorney in each county for which the society or  
24 association directs the individual to act as a humane society  
25 police officer that the individual [meets all of the following  
26 requirements]:

27 (1) Has been a resident of this Commonwealth for the  
28 previous 12 months.

29 (2) Has successfully completed the training program  
30 established pursuant to section 3712 (relating to training

1 program).

2 (3) Has obtained a criminal history report from the  
3 Pennsylvania State Police pursuant to 18 Pa.C.S. Ch. 91  
4 (relating to criminal history record information) or a  
5 statement from the Pennsylvania State Police that the  
6 Pennsylvania State Police central repository contains no  
7 pertinent information relating to the individual who is the  
8 subject of the application. The criminal history record  
9 information shall be limited to that which may be  
10 disseminated pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to  
11 general regulations).

12 (4) Has not been convicted of an offense graded a felony  
13 or a serious misdemeanor.

14 (5) Has not been convicted of any violation, including a  
15 summary offense, of 18 Pa.C.S. [§ 5511] Ch. 55 Subch. B  
16 (relating to cruelty to animals).

17 (6) Has not been convicted of an offense in another  
18 jurisdiction, state, territory or country in accordance with  
19 the laws of that jurisdiction, state, territory or country  
20 equivalent to an offense graded a felony or a serious  
21 misdemeanor or an offense of cruelty to animals.

22 § 3706. Suspension, revocation, limitation and restriction of  
23 appointment; restoration of appointment.

24 (a) Grounds for suspension, revocation, limitation or  
25 restriction.--By its own action, on petition by a district  
26 attorney or pursuant to a written affidavit filed by a  
27 complainant, the court of common pleas may, after conducting a  
28 hearing, suspend, revoke, limit or restrict an appointment of an  
29 individual to act as a humane society police officer in the  
30 county if the court determines any of the following:

1           (1) Being convicted of a felony or a serious misdemeanor  
2 in any Federal or State court or being convicted of the  
3 equivalent of a felony in any foreign country, territory or  
4 possession.

5           (2) Being convicted of an offense of cruelty to animals  
6 in any Federal or State court or being convicted of the  
7 equivalent of a cruelty to animals offense in any foreign  
8 country, territory or possession.

9           (3) Presenting false credentials or documents or making  
10 a false or misleading statement in the application for  
11 appointment or a certification of completion of additional  
12 training or submitting an application for appointment or a  
13 certification for completion of additional training  
14 containing a false or misleading statement.

15           (4) Carrying or possessing a firearm in the performance  
16 of his or her duties without certification pursuant to  
17 section 3711 (relating to limitation on possession of  
18 firearms).

19           (5) The individual has conducted his or her authority to  
20 enforce animal cruelty laws in a manner that is substandard  
21 of conduct normally expected of humane society police  
22 officers.

23           \* \* \*

24 § 3708. Powers and authority; jurisdiction.

25           (a) Authority limited to county of appointment.--An  
26 individual appointed as a humane society police officer in  
27 accordance with this chapter shall have power and authority to  
28 exercise the powers conferred under 18 Pa.C.S. [§ 5511] Ch. 55  
29 Subch. B (relating to cruelty to animals) in enforcement of  
30 animal cruelty laws only within the particular county whose

1 court of common pleas issued the appointment. The individual has  
2 no power or authority to exercise the powers conferred under 18  
3 Pa.C.S. [§ 5511] Ch. 55 Subch. B in any other county whose court  
4 of common pleas has not issued an appointment.

5 \* \* \*

6 § 3710. Search warrants.

7 Notwithstanding contrary provisions of 18 Pa.C.S. [§ 5511(1)]  
8 Ch. 55 Subch. B (relating to cruelty to animals) and in addition  
9 to the requirements of existing law, all search warrant  
10 applications filed in connection with alleged violations of  
11 cruelty to animals laws must have the approval of the district  
12 attorney in the county of the alleged offense prior to filing.

13 § 3716. Costs.

14 In addition to any fines, fees or other penalties levied or  
15 imposed under this chapter or any other statute, a cost of \$50  
16 shall be imposed upon conviction for any violation of 18 Pa.C.S.  
17 [§ 5511] Ch. 55 Subch. B (relating to cruelty to animals) other  
18 than a summary offense. Costs collected under this section shall  
19 be disposed of in accordance with section 3717 (relating to  
20 disposition of moneys).

21 Section 7. Section 2385(c)(1) of Title 34 is amended to  
22 read:

23 § 2385. Destruction of dogs declared public nuisances.

24 \* \* \*

25 (c) Inapplicability of certain laws.--

26 (1) The provisions of 18 Pa.C.S. [§ 5511] Ch. 55 Subch.  
27 B (relating to cruelty to animals) shall not apply to any  
28 person killing any dog pursuant to subsection (a).

29 \* \* \*

30 Section 8. Section 3573(c)(1) of Title 42 is amended to

1 read:

2 § 3573. Municipal corporation portion of fines, etc.

3 \* \* \*

4 (c) Summary offenses.--Fines, forfeited recognizances and  
5 other forfeitures imposed, lost or forfeited under the following  
6 provisions of law shall, when any such offense is committed in a  
7 municipal corporation, be payable to such municipal corporation:

8 (1) Under the following provisions of Title 18 (relating  
9 to crimes and offenses):

10 Section 2709(a) (1), (2) and (3) (relating to  
11 harassment).

12 Section 3304 (relating to criminal mischief).

13 Section 3503 (relating to criminal trespass).

14 Section 3929 (relating to retail theft).

15 Section 4105 (relating to bad checks).

16 Section 5503 (relating to disorderly conduct).

17 Section 5505 (relating to public drunkenness).

18 [Section 5511] Ch. 55 Subch. B (relating to cruelty  
19 to animals).

20 Section 6308 (relating to purchase, consumption,  
21 possession or transportation of intoxicating beverages).

22 Section 6501 (relating to scattering rubbish).

23 \* \* \*

24 Section 9. This act shall take effect in 60 days.