

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1225

Session of
1987

INTRODUCED BY DeLUCA, ITKIN, KASUNIC, DALEY, SCHULER, FOX,
MARKOSEK, NOYE, JOHNSON, TRELLO, MELIO, HALUSKA,
E. Z. TAYLOR, B. SMITH AND BELARDI, APRIL 28, 1987

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 6, 1988

AN ACT

1 ~~Amending Title 18 (Crimes and Offenses) of the Pennsylvania~~ <—
2 ~~Consolidated Statutes, prohibiting interference with the work~~
3 ~~of a police dog under the control of a police officer; and~~
4 ~~prohibiting denial of facilities or services due to~~
5 ~~accompaniment of a police dog.~~
6 AMENDING THE ACT OF DECEMBER 7, 1982 (P.L.784, NO.225), ENTITLED <—
7 "AN ACT RELATING TO DOGS, REGULATING THE KEEPING OF DOGS;
8 PROVIDING FOR THE LICENSING OF DOGS AND KENNELS; PROVIDING
9 FOR THE PROTECTION OF DOGS AND THE DETENTION AND DESTRUCTION
10 OF DOGS IN CERTAIN CASES; REGULATING THE SALE AND
11 TRANSPORTATION OF DOGS; DECLARING DOGS TO BE PERSONAL
12 PROPERTY AND THE SUBJECT OF THEFT; PROVIDING FOR THE
13 ASSESSMENT OF DAMAGES DONE TO LIVESTOCK, POULTRY AND DOMESTIC
14 GAME BIRDS; PROVIDING FOR PAYMENT OF DAMAGES BY THE
15 COMMONWEALTH IN CERTAIN CASES AND THE LIABILITY OF THE OWNER
16 OR KEEPER OF DOGS FOR SUCH DAMAGES; IMPOSING POWERS AND
17 DUTIES ON CERTAIN STATE AND LOCAL OFFICERS AND EMPLOYEES;
18 PROVIDING PENALTIES; AND CREATING A DOG LAW RESTRICTED
19 ACCOUNT," FURTHER PROVIDING FOR OFFENSES RELATING TO DOGS
20 USED FOR LAW ENFORCEMENT.

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

23 ~~Section 1. Section 5105 of Title 18 of the Pennsylvania~~ <—
24 ~~Consolidated Statutes is amended to read:~~
25 ~~§ 5105. Hindering apprehension or prosecution.~~
26 ~~(a) Offense defined. A person commits an offense if, with~~

~~intent to hinder the apprehension, prosecution, conviction or punishment of another for crime, he:~~

~~(1) harbors or conceals the other;~~

~~(2) provides or aids in providing a weapon, transportation, disguise or other means of avoiding apprehension or effecting escape;~~

~~(3) conceals or destroys evidence of the crime, or tampers with a witness, informant, document or other source of information, regardless of its admissibility in evidence;~~

~~(4) warns the other of impending discovery or apprehension, except that this paragraph does not apply to a warning given in connection with an effort to bring another into compliance with law; [or]~~

~~(5) volunteers false information to a law enforcement officer; or~~

~~(6) interferes in any manner with the work of any police dog which is under the control of a police officer.~~

~~(b) Grading. The offense is a felony of the third degree if the conduct which the actor knows has been charged or is liable to be charged against the person aided would constitute a felony of the first or second degree. Otherwise it is a misdemeanor of the second degree.~~

~~Section 2. Title 18 is amended by adding a section to read:~~
~~§ 5111. Denial of facilities or service due to police dog use.~~

~~A person commits a misdemeanor of the third degree if, being the proprietor, manager or employee of a theater, hotel, motel, restaurant or other place of entertainment, amusement or accommodation, he refuses, withholds from or denies to any person, due to the use of a working police dog used by any State or municipal police department or agency, either directly or~~

~~indirectly, any of the accommodations, advantages, facilities or
privileges of the theater, hotel, motel, restaurant or other
place of public entertainment, amusement or accommodation.~~

~~Section 3. This act shall take effect in 60 days.~~

SECTION 1. SECTION 602 OF THE ACT OF DECEMBER 7, 1982
(P.L.784, NO.225), KNOWN AS THE DOG LAW, IS AMENDED TO READ:
SECTION 602. DOGS USED FOR LAW ENFORCEMENT.

(A) ILLEGAL TO TAUNT LAW ENFORCEMENT DOGS.--IT SHALL BE
UNLAWFUL FOR ANY PERSON TO WILLFULLY AND MALICIOUSLY TAUNT,
TORMENT, TEASE, BEAT, KICK OR STRIKE ANY DOG USED BY ANY
MUNICIPAL OR STATE POLICE DEPARTMENT OR AGENCY IN THE
PERFORMANCE OF THE FUNCTIONS OR DUTIES OF SUCH DEPARTMENT OR
AGENCY OR TO [INTERFERE WITH OR MEDDLE] COMMIT ANY OF THE STATED
ACTS IN THE COURSE OF INTERFERING WITH ANY SUCH DOG USED BY THE
DEPARTMENT OR AGENCY OR ANY MEMBER THEREOF IN THE PERFORMANCE OF
THE FUNCTIONS OR DUTIES OF THE DEPARTMENT OR AGENCY OR OF SUCH
OFFICER OR MEMBER. ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS
OF THIS SUBSECTION COMMITS A MISDEMEANOR OF THE SECOND DEGREE.

(B) ILLEGAL TO TORTURE CERTAIN DOGS.--IT SHALL BE UNLAWFUL
FOR ANY PERSON TO WILLFULLY OR MALICIOUSLY TORTURE, MUTILATE,
INJURE, DISABLE, POISON OR KILL ANY DOG USED BY ANY MUNICIPAL OR
STATE POLICE DEPARTMENT OR AGENCY IN THE PERFORMANCE OF THE
FUNCTIONS OR DUTIES OF THE DEPARTMENT OR AGENCY OR TO [INTERFERE
WITH OR MEDDLE] COMMIT ANY OF THE STATED ACTS IN THE COURSE OF
INTERFERING WITH ANY SUCH DOG USED BY THE DEPARTMENT OR AGENCY
OR ANY MEMBER THEREOF IN THE PERFORMANCE OF ANY OF THE FUNCTIONS
OR DUTIES OF THE DEPARTMENT OR AGENCY OR OF SUCH OFFICER OR
MEMBER. ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF THIS
[SECTION IS GUILTY OF A SUMMARY OFFENSE] SUBSECTION COMMITS A
MISDEMEANOR OF THE FIRST DEGREE.

1 (C) ILLEGAL TO DENY FACILITIES OR SERVICE DUE TO POLICE DOG
2 USE.--IT SHALL BE UNLAWFUL FOR THE PROPRIETOR, MANAGER OR
3 EMPLOYEE OF A THEATER, HOTEL, MOTEL, RESTAURANT OR OTHER PLACE
4 OF ENTERTAINMENT, AMUSEMENT OR ACCOMMODATION, TO REFUSE,
5 WITHHOLD FROM OR DENY TO ANY PERSON, DUE TO THE USE OF A WORKING
6 POLICE DOG USED BY ANY STATE OR MUNICIPAL POLICE DEPARTMENT OR
7 AGENCY, EITHER DIRECTLY OR INDIRECTLY, ANY OF THE
8 ACCOMMODATIONS, ADVANTAGES, FACILITIES OR PRIVILEGES OF THE
9 THEATER, HOTEL, MOTEL, RESTAURANT OR OTHER PLACE OF PUBLIC
10 ENTERTAINMENT, AMUSEMENT OR ACCOMMODATION. ANY PERSON WHO
11 VIOLATES ANY OF THE PROVISIONS OF THIS SUBSECTION COMMITS A
12 MISDEMEANOR OF THE THIRD DEGREE.

13 [(C)] (D) QUARANTINE OF CERTAIN DOGS NOT REQUIRED.--
14 QUARANTINE OF DOGS AS REQUIRED BY LAW SHALL NOT APPLY TO DOGS
15 OWNED BY ANY MUNICIPAL OR STATE POLICE DEPARTMENT OR AGENCY WHEN
16 SUCH DOGS ARE UNDER THE DIRECT SUPERVISION AND CARE OF A POLICE
17 OFFICER AND SUBJECT TO ROUTINE VETERINARY CARE.

18 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.