

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2438

Session of
1994

INTRODUCED BY GORDNER, VEON, BELARDI, STEELMAN, JOSEPHS, SURRA,
BUNT, CARONE, TANGRETTI, GODSHALL, DeLUCA, KING, ROONEY,
MIHALICH, TRELLO, FAJT, MARKOSEK, ROBERTS, CAPPABIANCA,
LAUGHLIN, PERZEL, COLAFELLA, CESSAR, MUNDY, RAYMOND, NAILOR
AND STABACK, JANUARY 4, 1994

AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 26, 1994

AN ACT

1 Requiring ~~agents of~~ humane societies to register with the <—
2 ~~district attorney~~; and providing procedures for search
3 warrants.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 ~~Section 1. Definitions.~~ <—

7 ~~The following words and phrases when used in this act shall~~
8 ~~have the meanings given to them in this section unless the~~
9 ~~context clearly indicates otherwise:~~

10 ~~"Agent" or "humane society agent." Any person appointed or~~
11 ~~employed by a humane society to investigate suspected violations~~
12 ~~of, and to enforce, the laws of this Commonwealth relating to~~
13 ~~the prevention of cruelty to animals.~~

14 ~~"Humane society." Any society or association for the~~
15 ~~prevention of cruelty to animals incorporated under the laws of~~
16 ~~this Commonwealth.~~

1 ~~Section 2. Registration with district attorney.~~

2 ~~The district attorney of each county shall maintain a~~
3 ~~registry of each humane society and humane society agent within~~
4 ~~the county. All humane societies and agents shall file a~~
5 ~~registration with the district attorney on an annual basis.~~

6 ~~Section 3. Search warrants.~~

7 ~~An application for a search warrant brought by a humane~~
8 ~~society agent must first be approved by the district attorney~~
9 ~~before being presented to an issuing authority.~~

10 ~~Section 4. Effective date.~~

11 ~~This act shall take effect in 60 days.~~

12 SECTION 1. DEFINITIONS.

<—

13 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
14 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
15 CONTEXT CLEARLY INDICATES OTHERWISE:

16 "CRUELTY TO ANIMALS LAWS." THE PROVISIONS OF 18 PA.C.S. §
17 5511 (RELATING TO CRUELTY TO ANIMALS).

18 "HUMANE SOCIETY." A NONPROFIT SOCIETY OR ASSOCIATION DULY
19 INCORPORATED PURSUANT TO 15 PA.C.S. CH. 53 SUBCH. A (RELATING TO
20 INCORPORATION GENERALLY) FOR THE PURPOSE OF THE PREVENTION OF
21 CRUELTY TO ANIMALS.

22 "HUMANE SOCIETY POLICE OFFICER." ANY PERSON DULY APPOINTED
23 PURSUANT TO 22 PA.C.S. CH. 5 § 501 (RELATING TO APPOINTMENT BY
24 NONPROFIT CORPORATIONS) TO ACT AS A POLICE OFFICER FOR A HUMANE
25 SOCIETY. THE TERM SHALL INCLUDE ANY PERSON WHO IS AN "AGENT" OF
26 A HUMANE SOCIETY AS "AGENT" IS USED IN 18 PA.C.S. § 5511
27 (RELATING TO CRUELTY TO ANIMALS).

28 SECTION 2. APPOINTMENT BY COURT OF COMMON PLEAS.

29 NO PERSON SHALL EXERCISE THE POWERS CONFERRED UNDER 18
30 PA.C.S. § 5511 (RELATING TO CRUELTY TO ANIMALS) UPON AN AGENT OF

1 A HUMANE SOCIETY OR THE POWERS CONFERRED UNDER 22 PA.C.S. §
2 501(C) (RELATING TO APPOINTMENT BY NONPROFIT CORPORATIONS) UPON
3 A HUMANE SOCIETY POLICE OFFICER WITHIN THE BOUNDARIES OF A
4 COUNTY UNLESS HE HAS BEEN DULY APPOINTED AS A HUMANE SOCIETY
5 POLICE OFFICER IN THAT COUNTY IN ACCORDANCE WITH 22 PA.C.S. §
6 501.

7 SECTION 3. SEARCH WARRANTS.

8 NOTWITHSTANDING 18 PA.C.S. § 5511(1) (RELATING TO CRUELTY TO
9 ANIMALS) OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
10 DISTRICT ATTORNEY OF ANY COUNTY SHALL REQUIRE THAT SEARCH
11 WARRANT APPLICATIONS FILED IN THE COUNTY IN CONNECTION WITH AN
12 ALLEGED VIOLATION OF THE CRUELTY TO ANIMALS LAWS HAVE THE
13 APPROVAL OF THE DISTRICT ATTORNEY PRIOR TO FILING. THE COURT OF
14 COMMON PLEAS OF A COUNTY SHALL ESTABLISH A PROCEDURE FOR
15 APPROVAL OF SEARCH WARRANT APPLICATIONS IN EMERGENCY SITUATIONS
16 IF THE DISTRICT ATTORNEY IS UNAVAILABLE.

17 SECTION 4. EFFECTIVE DATE.

18 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.