

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1771 Session of  
2001

INTRODUCED BY ADOLPH, CIVERA, MICOZZIE, RAYMOND, STEELMAN,  
BELARDI, BUXTON, CALTAGIRONE, CAPPELLI, CASORIO, CAWLEY,  
CLYMER, COLAFELLA, CREIGHTON, FREEMAN, HARHAI, HENNESSEY,  
JOSEPHS, KAISER, KENNEY, LYNCH, MAHER, MANDERINO, MCGILL,  
MICHLOVIC, PRESTON, READSHAW, RUBLEY, SAINATO, SATHER,  
SHANER, SOLOBAY, STABACK, TANGRETTI, TRELLO, TRICH,  
WASHINGTON, WATSON, C. WILLIAMS, WILT AND YOUNGBLOOD,  
JUNE 18, 2001

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
JUNE 18, 2001

AN ACT

1 Amending the act of December 7, 1982 (P.L.784, No.225),  
2 entitled, as amended, "An act relating to dogs, regulating  
3 the keeping of dogs; providing for the licensing of dogs and  
4 kennels; providing for the protection of dogs and the  
5 detention and destruction of dogs in certain cases;  
6 regulating the sale and transportation of dogs; declaring  
7 dogs to be personal property and the subject of theft;  
8 providing for the abandonment of animals; providing for the  
9 assessment of damages done to animals; providing for payment  
10 of damages by the Commonwealth in certain cases and the  
11 liability of the owner or keeper of dogs for such damages;  
12 imposing powers and duties on certain State and local  
13 officers and employees; providing penalties; and creating a  
14 Dog Law Restricted Account," further providing for  
15 definitions and for seizure and detention; and adding  
16 provisions relating to cats.

17 The General Assembly of the Commonwealth of Pennsylvania  
18 hereby enacts as follows:

19 Section 1. Section 102 of the act of December 7, 1982  
20 (P.L.784, No.225), known as the Dog Law, amended December 11,  
21 1996 (P.L.943, No.151), is amended by adding definitions to

1 read:

2 Section 102. Definitions.

3 The following words and phrases when used in this act shall  
4 have, unless the context clearly indicates otherwise, the  
5 meanings given to them in this section:

6 \* \* \*

7 "Domestic animal shelter." Any facility which receives,  
8 accepts or temporarily houses a domestic animal or releases a  
9 domestic animal and all other animal control facilities,  
10 municipal shelters and pounds which are not covered under the  
11 definition of humane society or association for the prevention  
12 of cruelty to animals. The term shall not include boarding  
13 kennels.

14 "Feral cat." A domestic cat that has reverted to the wild  
15 state after being lost or abandoned, or the offspring of such  
16 cats who have lived in a wild state for some generations.

17 \* \* \*

18 Section 2. Section 302 of the act, amended December 11, 1996  
19 (P.L.943, No.151), is amended to read:

20 Section 302. Seizure and detention of dogs; costs; destruction  
21 of dogs; detention of cats.

22 (a) General rule.--It shall be the duty of every police  
23 officer, State dog warden, employee of the department or animal  
24 control officer to seize and detain any dog which is found  
25 running at large, either upon the public streets or highways of  
26 the Commonwealth, or upon the property of a person other than  
27 the owner of such dog, and unaccompanied by the owner or keeper.  
28 Every police officer, State dog warden, employee of the  
29 department or animal control officer may humanely kill any dog  
30 which is found running at large and is deemed after due

1 consideration by the police officer, State dog warden, employee  
2 of the department or animal control officer to constitute a  
3 threat to the public health and welfare.

4 (b) Licensed dogs.--The State dog warden or employee of the  
5 department, the animal control officer, or the chief of police  
6 or his agents of any city, borough, town or township, the  
7 constable of any borough and the constable of any incorporated  
8 town or township shall cause any dog bearing a proper license  
9 tag or permanent identification and so seized and detained to be  
10 properly kept and fed at any licensed kennel approved by the  
11 secretary for such purposes and shall cause immediate notice, by  
12 registered or certified mail with return receipt requested, to  
13 the person in whose name the license was procured, or his agent,  
14 to claim such dog within [five] six days after receipt thereof.

15 The owner or claimant of a dog so detained shall pay a penalty  
16 of \$15 to the political subdivision whose police officers make  
17 such seizures and detention and all reasonable expenses incurred  
18 by reason of its detention to the detaining parties before the  
19 dog is returned. If [five] six days after obtaining the postal  
20 return receipt, such dog has not been claimed, such chief of  
21 police, or his agent, or a constable, or State dog warden or  
22 employee of the department shall dispense such dog by sale or by  
23 giving it to a domestic animal shelter or a humane society or  
24 association for the prevention of cruelty to animals. No dog so  
25 caught and detained shall be sold for the purpose of  
26 vivisection, or research, or be conveyed in any manner for these  
27 purposes. All moneys derived from the sale of such dog, after  
28 deducting the expenses of its detention, shall be paid through  
29 the Department of Agriculture to the State Treasurer for credit  
30 to the Dog Law Restricted Account.

1 (c) Unlicensed dogs.--Except as otherwise provided by  
2 section 305, any police officer, State dog warden, employee of  
3 the department or animal control officer shall cause any  
4 unlicensed dog to be seized, detained, kept and fed for a period  
5 of [48 hours] four days at any licensed kennel approved by the  
6 secretary for such purposes, except any dog seriously ill or  
7 injured or forfeited with the owner's permission. Any person may  
8 view such detained dogs during normal business hours. Any  
9 unlicensed dog remaining unclaimed after [48 hours] four days  
10 may be humanely killed or given to a domestic animal shelter or  
11 a humane society or association for the prevention of cruelty to  
12 animals. No dog so caught and detained shall be sold for the  
13 purpose of vivisection, or research, or be conveyed in any  
14 manner for these purposes.

15 (d) Cats.--

16 (1) Any cat brought to a domestic animal shelter or a  
17 humane society or association for the prevention of cruelty  
18 to animals shall be detained, kept and fed for a period of 48  
19 hours, except any feral cat or cat seriously ill or injured  
20 or forfeited with the owner's permission.

21 (2) No cat detained shall be sold for the purpose of  
22 vivisection, or research, or be conveyed in any manner for  
23 these purposes.

24 Section 3. The act is amended by adding a section to read:  
25 Section 1202.1. Records and statistics maintained and  
26 published.

27 (a) Records and statistics.--Every humane society or  
28 association for the prevention of cruelty to animals and a  
29 domestic animal shelter shall keep detailed records of all  
30 domestic animals brought into its facility. These records shall

1 be forwarded quarterly to the Bureau of Dog Law Enforcement. The  
2 Bureau of Dog Law Enforcement and each individual humane society  
3 or association for the prevention of cruelty to animals and  
4 domestic animal shelter shall make the following information  
5 available for public inspection on a quarterly basis:

6 (1) the number of cats, kittens, dogs and puppies  
7 brought into the facility;

8 (2) the number of cats, kittens, dogs and puppies  
9 adopted from the facility;

10 (3) the number of cats, kittens, dogs and puppies  
11 returned to the owner;

12 (4) the number of cats, kittens, dogs and puppies  
13 humanely killed at the facility;

14 (5) the method used to humanely kill cats, kittens, dogs  
15 and puppies;

16 (6) the manner in which the remains of cats, kittens,  
17 dogs and puppies were disposed;

18 (7) the number of cats, kittens, dogs and puppies which  
19 died at the facility;

20 (8) the number and method of other dispositions for  
21 cats, kittens, dogs and puppies which do not fall under the  
22 above categories; and

23 (9) the holding capacity for cats, kittens, dogs and  
24 puppies of the facility.

25 (b) Penalty.--Any person found in violation of this section  
26 shall be guilty of a summary offense for the first violation and  
27 for a second and subsequent violation which occurs within one  
28 year of sentencing for the first violation shall be guilty of a  
29 misdemeanor of the third degree.

30 Section 4. This act shall take effect in 60 days.