

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2951 Session of
2004

INTRODUCED BY DALEY, SOLOBAY, PETRARCA, LaGROTTA, CASORIO,
LEACH, SAINATO, HARHAI, CAPPELLI, GOODMAN, O'NEILL, FABRIZIO,
YOUNGBLOOD, WALKO, MAHER, CRAHALLA, LAUGHLIN, MELIO, CRUZ,
LEDERER, LESCOVITZ AND SCRIMENTI, NOVEMBER 9, 2004

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 9, 2004

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 public
15 safety and penalties related to dangerous dogs; and providing
16 for potentially dangerous dogs, for definition of animal
17 companion, for wrongful killing or injury of an animal
18 companion, for punitive damages, for action for recovery of
19 damages and for injunctive relief.

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

22 Section 1. Section 505-A of the act of December 7, 1982
23 (P.L.784, No.225), known as the Dog Law, amended December 11,
24 1996 (P.L.943, No.151), is amended to read:

25 Section 505-A. Public safety and penalties.

(a) Failure to register and restrain.--A dangerous dog shall be immediately confiscated by a State dog warden or a police officer upon the occurrence of any of the following:

(1) The dog is not validly registered under this act.

(2) The owner does not secure and maintain the liability insurance coverage required under section 503-A.

(3) The dog is not maintained in the proper enclosure.

(4) The dog is outside of the dwelling of the owner or outside of the proper enclosure and not under physical restraint of the responsible person who is at least 18 years of age.

In addition, an owner violating this subsection commits a misdemeanor of the third degree.

(b) Attacks by dangerous dog.--If a dangerous dog, through the intentional, reckless or negligent conduct of the dog's owner, attacks a person or a domestic animal, the dog's owner is guilty of a misdemeanor of the second degree. In addition, the dangerous dog shall be immediately confiscated, placed in quarantine for the proper length of time and thereafter humanely killed in an expeditious manner, with costs of quarantine and destruction to be borne by the dog's owner.

(c) Attacks causing severe injury or death.--

(1) The owner of any dog that, through the intentional, reckless or negligent conduct of the dog's owner, aggressively attacks and causes severe injury [or death] of any human shall be guilty of a [misdemeanor] felony of the [first] second degree.

(2) The owner of any dog that, through the reckless or negligent conduct of the dog's owner, aggressively attacks and causes the death of any human shall be guilty of

1 involuntary manslaughter.

2 (3) In addition, the dog shall be immediately
3 confiscated by a State dog warden or a police officer, placed
4 in quarantine for the proper length of time and thereafter
5 humanely killed in an expeditious manner, with costs of
6 quarantine and destruction to be borne by the dog's owner.

7 (d) Dog owned by a minor.--[If the owner of the] An
8 individual under 18 years of age may not own a dangerous dog.
9 [is a minor, the parent or guardian of the minor shall be liable
10 for injuries and property damages caused by an unprovoked attack
11 by the dangerous dog under section 4 of the act of July 27, 1967
12 (P.L.186, No.58), entitled "An act imposing liability upon
13 parents for personal injury, or theft, destruction, or loss of
14 property caused by the willful, tortious acts of children under
15 eighteen years of age, setting forth limitations, and providing
16 procedure for recovery."]

17 (e) Mandatory reporting.--

18 (1) All known incidents of dog attacks shall be reported
19 to the State dog warden, who shall investigate each incident
20 and notify the department if a dog has been determined to be
21 dangerous.

22 (2) A State dog warden or police officer who has
23 knowledge of a dog which has attacked a person shall file a
24 written report summarizing the circumstances of the attack
25 with the police in the municipality where the owner of the
26 dog resides or if the attack occurred outside the owner's
27 municipality of residence, with the police having
28 jurisdiction in the municipality where the attack occurred.
29 The report shall be available for public inspection.

30 Section 2. The act is amended by adding articles to read:

1 ARTICLE V-B

2 POTENTIALLY DANGEROUS DOGS

3 Section 501-B. Definitions.

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

7 "Approved enclosure." An enclosure approved by the Bureau of
8 Dog Law Enforcement under section 503-B.

9 "Bureau." The Bureau of Dog Law Enforcement.

10 "Potentially dangerous dog." A dog determined to be
11 potentially dangerous under section 502-B(a).

12 Section 502-B. Registration.

13 (a) Summary offense of harboring a potentially dangerous
14 dog.--Except as set forth in subsection (c), the State dog
15 warden, a police officer or a humane society police officer may
16 file a complaint before a district justice, charging the owner
17 or keeper of a dog with harboring a potentially dangerous dog.
18 The owner or keeper of the dog shall be guilty of the summary
19 offense of harboring a potentially dangerous dog if the district
20 justice finds beyond a reasonable doubt that the dog has a
21 propensity to attack a human being or an animal. The finding may
22 not be based solely or primarily upon characteristics of the
23 breed of dog.

24 (b) Report of conviction.--The district justice shall make a
25 report of a conviction under subsection (a) to the bureau,
26 identifying the convicted party, identifying and describing the
27 dog and providing such other information as the bureau might
28 reasonably require.

29 (c) Exception.--This section does not apply to dogs used by
30 law enforcement officials for police work, certified guide dogs

for the blind, hearing dogs for the deaf nor aid dogs for the handicapped.

Section 503-B. Approved enclosure.

(a) Requirement.--After 30 days following registration of a dog under section 502-B, a person may not own a potentially dangerous dog unless one of the following applies:

(1) The person confines the dog in an approved enclosure.

(2) The person is involved in an active proceeding under subsection (b).

(b) Procedure.--

(1) An owner of a potentially dangerous dog must submit to the bureau a plan and material samples for the approved enclosure.

(2) The bureau shall determine, on the basis of the plan and samples, whether the enclosure is:

(i) adequate in terms of height, strength and design to prevent the dog from escaping; and

(ii) secure against entry by an individual without the owner's consent.

(3) A proceeding under this subsection is subject to 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action).

Section 504-B. Prohibitions.

(a) Control.--

(1) A person that owns a potentially dangerous dog may not permit the dog to be outside the approved enclosure unless the dog is:

(i) on a heavy leash and choke collar; and

1 (ii) under the control of an individual at least 18
2 years of age.

3 (2) A person that violates paragraph (1) commits a
4 misdemeanor of the third degree.

5 (b) Ownership.--

6 (1) An individual under 18 years of age may not own a
7 potentially dangerous dog.

8 (2) An individual who violates paragraph (1) commits a
9 misdemeanor of the third degree.

10 (c) Attacks.--

11 (1) The owner of a potentially dangerous dog which
12 through the intentional, reckless or negligent conduct of the
13 owner attacks a human being outside the approved enclosure of
14 the dog or the home of the owner commits a misdemeanor of the
15 second degree.

16 (2) The owner of a potentially dangerous dog which
17 through the intentional, reckless or negligent conduct of the
18 owner attacks a human being outside the approved enclosure of
19 the dog or the home of the owner and causes severe injury to
20 that human being commits a felony of the second degree.

21 (3) The owner of a potentially dangerous dog which
22 through the reckless or negligent conduct of the owner
23 attacks a human being outside the approved enclosure of the
24 dog or the home of the owner and causes the death of that
25 human being commits involuntary manslaughter.

26 ARTICLE VI-A

27 ANIMAL COMPANIONS

28 Section 601-A. Animal companion defined.

29 For purposes of this article, "animal companion" means a dog,
30 cat or any warm-blooded, domesticated nonhuman animal which

shares a demonstrable bond of companionship with one or more persons.

Section 602-A. Wrongful killing or injury of an animal companion.

(a) General rule.--If a person's animal companion is killed or injured as a result of another person's willful, wanton, reckless or negligent act or omission, damages shall be recoverable for the following:

(1) Mental anguish and emotional distress of human companion or companions and other noneconomic injuries, including the loss of society, companionship, comfort, protection and services.

(2) Veterinary and other special care required.

(3) Reasonable burial expenses.

(4) Court costs and attorney fees.

(5) Other reasonable damages resulting from willful, wanton, reckless or negligent acts or omissions.

(b) Burden of proof.--The party seeking damages under this section has the burden of establishing noneconomic loss by a preponderance of the evidence.

Section 603-A. Punitive damages for willful, wanton or reckless conduct.

A person who by willful, wanton or reckless act or omission kills, injures or causes or procures the death or injury of an animal companion shall be liable for punitive damages of not more than \$2,500.

Section 604-A. Action for recovery of damages.

Damages under this article for injuries sustained by an animal's human companion or companions shall be recoverable in an action of tort commenced within three years from the date of

1 death or injury or from the date when the human companion knew,
2 or in the exercise of reasonable diligence should have known, of
3 the factual basis for a cause of action.

4 Section 605-A. Injunctive relief.

5 Restraining orders and other injunctive relief from wrongful
6 killing or injury of animals may be issued as appropriate.

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