

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 39 Session of 2009

INTRODUCED BY CALTAGIRONE, SCAVELLO, SOLOBAY, YOUNGBLOOD,
 ADOLPH, BELFANTI, BEYER, BRENNAN, BUXTON, D. COSTA, FRANKEL,
 FREEMAN, GOODMAN, GRUCELA, HORNAMAN, KILLION, KORTZ,
 MANDERINO, MANN, M. O'BRIEN, O'NEILL, PASHINSKI, PAYNE,
 READSHAW, SAMUELSON, SANTONI, SIPTROTH, STURLA, SWANGER,
 VULAKOVICH, WATSON, WHITE, WALKO AND FABRIZIO,
 JANUARY 26, 2009

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 26, 2009

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
 2 Consolidated Statutes, further providing for cruelty to
 3 animals.

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

6 Section 1. Section 5511(h) and (h.1) of Title 18 of the
 7 Pennsylvania Consolidated Statutes are amended and the section
 8 is amended by adding a subsection to read:

9 § 5511. Cruelty to animals.

10 * * *

11 (h) [Cropping ears of dog] Specific violations; prima facie
 12 evidence of violation.--

13 (1) (i) A person commits a summary offense if he crops
 14 or cuts off, or causes or procures to be cropped or cut
 15 off, the whole[,] or part of the ear or ears of a dog or
 16 shows or exhibits or procures the showing or exhibition

1 of any dog whose ear is or ears are cropped or cut off,
2 in whole or in part, unless the person showing [such] the
3 dog has in his possession either a certificate of
4 veterinarian stating that [such] the cropping was done by
5 the veterinarian or a certificate of registration from a
6 county treasurer[,] showing that [such] the dog was cut
7 or cropped before this section became effective.

8 (ii) The provisions of this section shall not
9 prevent a veterinarian from cutting or cropping the whole
10 or part of the ear or ears of a dog when [such] the dog
11 is anesthetized[,] and shall not prevent any person from
12 causing or procuring [such] the cutting or cropping of a
13 dog's ear or ears by a veterinarian.

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

22 [The owner of any dog whose ear or ears have been cut off or
23 cropped before this section became effective may, if a resident
24 of this Commonwealth, register such dog with the treasurer of
25 the county where he resides, and if a nonresident of this
26 Commonwealth, with the treasurer of any county of this
27 Commonwealth, by certifying, under oath, that the ear or ears of
28 such dog were cut or cropped before this section became
29 effective, and the payment of a fee of \$1 into the county
30 treasury. The said treasurer shall thereupon issue to such

1 person a certificate showing such dog to be a lawfully cropped
2 dog.]

3 (2) (i) A person commits a summary offense if the
4 person debarks a dog by cutting, causing or procuring the
5 cutting of its vocal cords or by altering, causing or
6 procuring the alteration of any part of its resonance
7 chamber.

8 (ii) The provisions of this paragraph shall not
9 prevent a veterinarian from cutting the vocal cords or
10 otherwise altering the resonance chamber of a dog when
11 the dog is anesthetized and shall not prevent a person
12 from causing or procuring a debarking procedure by a
13 veterinarian.

14 (iii) The possession by a person of a dog with the
15 vocal cords cut or the resonance chamber otherwise
16 altered and with the wound resulting therefrom unhealed
17 shall be prima facie evidence of a violation of this
18 paragraph by the person, except as provided in this
19 paragraph.

20 (iv) A person who procures the cutting of vocal
21 cords or the alteration of the resonance chamber of a dog
22 shall record the procedure.

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

26 (ii) The provisions of this paragraph shall not
27 prevent a veterinarian from docking, cutting or cropping
28 the whole or part of the tail of a dog when the dog is at
29 least 12 weeks of age and the procedure is performed
30 using general anesthesia and shall not prevent a person

1 from causing or procuring the cutting or docking of a
2 tail of a dog by a veterinarian as provided in this
3 paragraph.

4 (iii) The possession by a person of a dog with a
5 tail cut off or docked and with the wound resulting
6 therefrom unhealed shall be prima facie evidence of a
7 violation of this paragraph by the person, except as
8 provided in this paragraph.

9 (iv) A person who procures the cutting off or
10 docking of a tail of a dog shall record the procedure and
11 keep the record.

12 (4) (i) A person commits a summary offense if the
13 person surgically births or causes or procures a surgical
14 birth.

15 (ii) The provisions of this section shall not
16 prevent a veterinarian from surgically birthing a dog
17 when the dog is anesthetized and shall not prevent any
18 person from causing or procuring the birthing by a
19 veterinarian.

20 (iii) The possession by a person of a dog with a
21 wound resulting from a surgical birth unhealed shall be
22 prima facie evidence of a violation of this paragraph by
23 the person, except as provided in this paragraph.

24 (iv) A person who procures the surgical birth of a
25 dog shall record the procedure and keep the record.

26 (v) This paragraph shall not apply to personnel
27 required to comply with standards to minimize pain to an
28 animal set forth in section 2143(a)(3) of the Animal
29 Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.),
30 trained in accordance with section 2143(d) of the Animal

1 Welfare Act, who work in a federally registered research
2 facility required to comply with the Animal Welfare Act
3 under the guidance or oversight of a veterinarian.

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

7 (ii) The provisions of this paragraph shall not
8 prevent a veterinarian from cutting the dewclaw and shall
9 not prevent a person from causing or procuring the
10 procedure by a veterinarian.

11 (iii) The possession by a person of a dog with the
12 dewclaw cut off and with the wound resulting therefrom
13 unhealed shall be prima facie evidence of a violation of
14 this paragraph by the person, except as provided in this
15 paragraph and keep the record.

16 (iv) A person who procures the cutting off of the
17 dewclaw of a dog shall record the procedure and keep the
18 record.

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

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

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

25 (3) owns, possesses, keeps, trains, promotes, purchases,
26 steals or acquires in any manner or knowingly sells any
27 animal for animal fighting;

28 (4) in any way knowingly encourages, aids or assists
29 therein;

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

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

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

5 This subsection shall not apply to activity undertaken in a
6 normal agricultural operation.

7 * * *

8 (o.2) Limited authority to enforce summary offenses in
9 certain counties.--

10 (1) A State dog warden who has authority under section
11 901(a) of the act of December 7, 1982 (P.L.784, No.225),
12 known as the Dog Law, shall have authority to enforce this
13 section in a county in which there is no humane society
14 police officer appointed under 22 Pa.C.S. Ch. 37 (relating to
15 humane society police officers). Authority provided under
16 this subsection may only be exercised in the enforcement of
17 summary offenses particular to acts or omissions on dogs in
18 the operation of an establishment licensed or required to be
19 licensed as a kennel under the Dog Law.

20 (2) A State dog warden shall have no enforcement
21 authority under this subsection unless the warden has
22 successfully completed all of the minimum requirements for
23 initial training and additional training under 22 Pa.C.S. §§
24 3712 (relating to training program) and 3713 (relating to
25 continuing education program).

26 (3) A State dog warden shall have no authority under
27 this subsection to seize any dog except pursuant to the
28 search of a kennel premises for which a search warrant has
29 been issued in accordance with the applicable provisions of
30 the Pennsylvania Rules of Criminal Procedure. A State dog

1 warden shall not file, obtain or execute any search warrant
2 unless the warden has complied with the requirements for
3 prior approval under 22 Pa.C.S. § 3710 (relating to search
4 warrants). The authority of a dog warden to obtain or execute
5 search warrants or to seize dogs under this section shall not
6 exceed the authority under subsection (1).

7 (4) This subsection shall not be construed as modifying,
8 rescinding or superseding any authority of State dog wardens
9 under the Dog Law.

10 * * *

11 Section 2. This act shall take effect as follows:

12 (1) The amendment of 18 Pa.C.S. § 5511(h.1) shall take
13 effect in 60 days.

14 (2) The remainder of this act shall take effect
15 immediately.