

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, FABRIZIO, EACHUS, CASORIO, REICHLEY, MAHER, GROVE, CARROLL, DRUCKER, SAINATO, K. SMITH, LENTZ, MOUL, DIGIROLAMO, ROCK, HARPER, J. EVANS AND MURT, JANUARY 26, 2009

SENATOR BRUBAKER, AGRICULTURE AND RURAL AFFAIRS, IN SENATE, AS AMENDED, JUNE 9, 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
14 crops] THE PERSON CROPS, TRIMS or cuts off, or causes or

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

11 (ii) The provisions of this [section] PARAGRAPH  
12 shall not prevent a veterinarian from [cutting or  
13 cropping] CROPPING, TRIMMING OR CUTTING OFF the whole or  
14 part of the ear or ears of a dog when [such] the dog is  
15 anesthetized[, ] and shall not prevent any person from  
16 causing or procuring ~~such~~ the cutting or cropping] THE  
17 CROPPING, TRIMMING OR CUTTING OFF of a dog's ear or ears  
18 by a veterinarian.

19 (iii) The possession by any person of a dog with an  
20 ear or ears [cut off or cropped] CROPPED, TRIMMED OR CUT  
21 OFF and with the wound OR INCISION SITE resulting  
22 therefrom unhealed, or any ~~such~~ dog being found in the  
23 charge or custody of any person or confined upon the  
24 premises owned by or under the control of any person,  
25 shall be prima facie evidence of a violation of this  
26 subsection by [such] the person except as provided for in  
27 this subsection.

28 (IV) A PERSON WHO PROCURES THE CROPPING, TRIMMING OR  
29 CUTTING OFF OF THE WHOLE OR PART OF AN EAR OR EARS OF A  
30 DOG SHALL RECORD THE PROCEDURE. THE RECORD SHALL INCLUDE

1 THE NAME OF THE ATTENDING VETERINARIAN AND THE DATE AND  
2 LOCATION AT WHICH THE PROCEDURE WAS PERFORMED. THE RECORD  
3 SHALL BE KEPT AS LONG AS THE WOUND OR INCISION SITE IS  
4 UNHEALED AND SHALL BE TRANSFERRED WITH THE DOG DURING  
5 THAT PERIOD OF TIME.

6 [The owner of any dog whose ear or ears have been cut off or  
7 cropped before this section became effective may, if a resident  
8 of this Commonwealth, register such dog with the treasurer of  
9 the county where he resides, and if a nonresident of this  
10 Commonwealth, with the treasurer of any county of this  
11 Commonwealth, by certifying, under oath, that the ear or ears of  
12 such dog were cut or cropped before this section became  
13 effective, and the payment of a fee of \$1 into the county  
14 treasury. The said treasurer shall thereupon issue to such  
15 person a certificate showing such dog to be a lawfully cropped  
16 dog.]

17 (2) (i) A person commits a summary offense if the  
18 person debarks a dog by cutting, causing or procuring the  
19 cutting of its vocal cords or by altering, causing or  
20 procuring the alteration of any part of its resonance  
21 chamber.

22 (ii) The provisions of this paragraph shall not  
23 prevent a veterinarian from cutting the vocal cords or  
24 otherwise altering the resonance chamber of a dog when  
25 the dog is anesthetized and shall not prevent a person  
26 from causing or procuring a debarking procedure by a  
27 veterinarian.

28 (iii) The possession by a ANY person of a dog with ←  
29 the vocal cords cut or the resonance chamber otherwise  
30 altered and with the wound OR INCISION SITE resulting ←

1 therefrom unhealed, OR ANY SUCH DOG BEING FOUND IN THE ←  
2 CHARGE OR CUSTODY OF ANY PERSON OR CONFINED UPON THE  
3 PREMISES OWNED BY OR UNDER THE CONTROL OF ANY PERSON,  
4 shall be prima facie evidence of a violation of this  
5 paragraph by the person, except as provided in this  
6 paragraph.

7 (iv) A person who procures the cutting of vocal  
8 cords or the alteration of the resonance chamber of a dog  
9 shall record the procedure. THE RECORD SHALL INCLUDE THE ←  
10 NAME OF THE ATTENDING VETERINARIAN AND THE DATE AND  
11 LOCATION AT WHICH THE PROCEDURE WAS PERFORMED. THE RECORD  
12 SHALL BE KEPT AS LONG AS THE WOUND OR INCISION SITE IS  
13 UNHEALED AND SHALL BE TRANSFERRED WITH THE DOG DURING  
14 THAT PERIOD OF TIME.

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

18 (ii) The provisions of this paragraph shall not  
19 prevent a veterinarian from docking, cutting OFF or ←  
20 cropping the whole or part of the tail of a dog when the  
21 dog is at least 12 weeks of age and the procedure is  
22 performed using general anesthesia and shall not prevent  
23 a person from causing or procuring the cutting OFF or ←  
24 docking of a tail of a dog by a veterinarian as provided  
25 in this paragraph.

26 (III) THE PROVISIONS OF THIS SECTION SHALL NOT ←  
27 PREVENT A VETERINARIAN FROM SURGICALLY REMOVING, DOCKING,  
28 CUTTING OFF OR CROPPING THE TAIL OF A DOG BETWEEN FIVE  
29 DAYS AND 12 WEEKS OF AGE IF, IN THE VETERINARIAN'S  
30 PROFESSIONAL JUDGMENT, THE PROCEDURE IS MEDICALLY

1 NECESSARY FOR THE HEALTH AND WELFARE OF THE DOG. IF THE  
2 PROCEDURE IS PERFORMED, IT SHALL BE DONE IN ACCORDANCE  
3 WITH GENERALLY ACCEPTED STANDARDS OF VETERINARY PRACTICE.

4 ~~(iii)~~ (IV) The possession by a ANY person of a dog ←  
5 with a tail cut off or docked and with the wound OR ←  
6 INCISION SITE resulting therefrom unhealed, OR ANY SUCH ←  
7 DOG BEING FOUND IN THE CHARGE OR CUSTODY OF ANY PERSON OR  
8 CONFINED UPON THE PREMISES OWNED BY OR UNDER THE CONTROL  
9 OF ANY PERSON, shall be prima facie evidence of a  
10 violation of this paragraph by the person, except as  
11 provided in this paragraph.

12 ~~(iv)~~ (V) A person who procures the cutting off or ←  
13 docking of a tail of a dog shall record the procedure and ←  
14 keep the record. PROCEDURE. THE RECORD SHALL INCLUDE THE ←  
15 NAME OF THE ATTENDING VETERINARIAN AND THE DATE AND  
16 LOCATION AT WHICH THE PROCEDURE WAS PERFORMED. THE RECORD  
17 SHALL BE KEPT AS LONG AS THE WOUND OR INCISION SITE IS  
18 UNHEALED AND SHALL BE TRANSFERRED WITH THE DOG DURING  
19 THAT PERIOD OF TIME.

20 (4) (i) A person commits a summary offense if the  
21 person surgically births or causes or procures a surgical  
22 birth.

23 (ii) The provisions of this section shall not  
24 prevent a veterinarian from surgically birthing a dog  
25 when the dog is anesthetized and shall not prevent any  
26 person from causing or procuring the A SURGICAL birthing ←  
27 by a veterinarian.

28 (iii) The possession by a ANY person of a dog with a ←  
29 wound OR INCISION SITE resulting from a surgical birth ←  
30 unhealed, OR ANY SUCH DOG BEING FOUND IN THE CHARGE OR ←

1 CUSTODY OF ANY PERSON OR CONFINED UPON THE PREMISES OWNED  
2 BY OR UNDER THE CONTROL OF ANY PERSON, shall be prima  
3 facie evidence of a violation of this paragraph by the  
4 person, except as provided in this paragraph.

5 (iv) A person who procures the surgical birth of a  
6 dog shall record the procedure and keep the record. ←  
7 PROCEDURE. THE RECORD SHALL INCLUDE THE NAME OF THE ←  
8 ATTENDING VETERINARIAN AND THE DATE AND LOCATION AT WHICH  
9 THE PROCEDURE WAS PERFORMED. THE RECORD SHALL BE KEPT AS  
10 LONG AS THE WOUND OR INCISION SITE IS UNHEALED AND SHALL  
11 BE TRANSFERRED WITH THE DOG DURING THAT PERIOD OF TIME.

12 (v) This paragraph shall not apply to personnel  
13 required to comply with standards to minimize pain to an  
14 animal set forth in section 2143(a)(3) of the Animal  
15 Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.),  
16 trained in accordance with section 2143(d) of the Animal  
17 Welfare Act, who work in a federally registered research  
18 facility required to comply with the Animal Welfare Act  
19 under the guidance or oversight of a veterinarian.

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

23 (ii) The provisions of this paragraph shall not  
24 prevent a veterinarian from cutting the dewclaw and shall  
25 not prevent a person from causing or procuring the  
26 procedure by a veterinarian.

27 (iii) The possession by a ANY person of a dog with ←  
28 the dewclaw cut off and with the wound OR INCISION SITE ←  
29 resulting therefrom unhealed, OR ANY SUCH DOG BEING FOUND ←  
30 IN THE CHARGE OR CUSTODY OF ANY PERSON OR CONFINED UPON

1 THE PREMISES OWNED BY OR UNDER THE CONTROL OF ANY PERSON,  
2 shall be prima facie evidence of a violation of this  
3 paragraph by the person, except as provided in this  
4 paragraph and keep the record. ←

5 (iv) A person who procures the cutting off of the  
6 dewclaw of a dog shall record the procedure and keep the ←  
7 record. PROCEDURE. THE RECORD SHALL INCLUDE THE NAME OF ←  
8 THE ATTENDING VETERINARIAN AND THE DATE AND LOCATION AT  
9 WHICH THE PROCEDURE WAS PERFORMED. THE RECORD SHALL BE  
10 KEPT AS LONG AS THE WOUND OR INCISION SITE IS UNHEALED  
11 AND SHALL BE TRANSFERRED WITH THE DOG DURING THAT PERIOD  
12 OF TIME.

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

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

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

19 (3) owns, possesses, keeps, trains, promotes, purchases,  
20 steals or acquires in any manner or knowingly sells any  
21 animal for animal fighting;

22 (4) in any way knowingly encourages, aids or assists  
23 therein;

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

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

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

29 This subsection shall not apply to activity undertaken in a  
30 normal agricultural operation.

1 \* \* \*

2 ~~(o.2) Limited authority to enforce summary offenses in~~  
3 ~~certain counties.~~

4 ~~(1) A State dog warden who has authority under section~~  
5 ~~901(a) of the act of December 7, 1982 (P.L.784, No.225),~~  
6 ~~known as the Dog Law, shall have authority to enforce this~~  
7 ~~section in a county in which there is no humane society~~  
8 ~~police officer appointed under 22 Pa.C.S. Ch. 37 (relating to~~  
9 ~~humane society police officers). Authority provided under~~  
10 ~~this subsection may only be exercised in the enforcement of~~  
11 ~~summary offenses particular to acts or omissions on dogs in~~  
12 ~~the operation of an establishment licensed or required to be~~  
13 ~~licensed as a kennel under the Dog Law.~~

14 ~~(2) A State dog warden shall have no enforcement~~  
15 ~~authority under this subsection unless the warden has~~  
16 ~~successfully completed all of the minimum requirements for~~  
17 ~~initial training and additional training under 22 Pa.C.S. §§~~  
18 ~~3712 (relating to training program) and 3713 (relating to~~  
19 ~~continuing education program).~~

20 ~~(3) A State dog warden shall have no authority under~~  
21 ~~this subsection to seize any dog except pursuant to the~~  
22 ~~search of a kennel premises for which a search warrant has~~  
23 ~~been issued in accordance with the applicable provisions of~~  
24 ~~the Pennsylvania Rules of Criminal Procedure. A State dog~~  
25 ~~warden shall not file, obtain or execute any search warrant~~  
26 ~~unless the warden has complied with the requirements for~~  
27 ~~prior approval under 22 Pa.C.S. § 3710 (relating to search~~  
28 ~~warrants). The authority of a dog warden to obtain or execute~~  
29 ~~search warrants or to seize dogs under this section shall not~~  
30 ~~exceed the authority under subsection (1).~~



1           ~~(4) This subsection shall not be construed as modifying,~~  
2           ~~rescinding or superseding any authority of State dog wardens~~  
3           ~~under the Dog Law.~~

4           \* \* \*

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

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

8           (2) The remainder of this act shall take effect  
9           immediately.