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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 2 3	Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for cruelty to 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] <u>Specific violations</u> ; prima facie
12	evidence of violation
13	(1) (i) A person commits a summary offense if [he
14	crops] <u>THE PERSON CROPS, TRIMS</u> or cuts off, or causes or

1 procures to be cropped, TRIMMED or cut off, the whole[,] 4 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 ear is or ears are cropped or cut off, in whole or in 4 5 part, unless the person showing {such} the dog has in his ← possession either a certificate of veterinarian stating 6 7 that *fsuch 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]. 4

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 ← CROPPING, TRIMMING OR CUTTING OFF of a dog's ear or ears 17 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 this subsection. 27

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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

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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 the county where he resides, and if a nonresident of this 9 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 <u>altered and with the wound OR INCISION SITE resulting</u>

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1	therefrom uphealed OD ANY CUCH DOC DETNO FOUND IN THE	
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	

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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	<u>by a veterinarian.</u>
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

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1CUSTODY OF ANY PERSON OR CONFINED UPON THE PREMISES OWNED2BY OR UNDER THE CONTROL OF ANY PERSON, shall be prima3facie evidence of a violation of this paragraph by the4person, 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.

(V) 12 This paragraph shall not apply to personnel 13 required to comply with standards to minimize pain to an animal set forth in section 2143(a)(3) of the Animal 14 Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.), 15 16 trained in accordance with section 2143(d) of the Animal Welfare Act, who work in a federally registered research 17 18 facility required to comply with the Animal Welfare Act under the guidance or oversight of a veterinarian. 19 (5) (i) A person commits a summary offense if the 20 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

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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 \leftarrow
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	<u>OF TIME.</u>
13	(h.1) Animal fightingA 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.

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2	(0.2) Limited authority to enforce summary offenses in
3	<u>certain counties</u>
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	<u>continuing education program).</u>
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	<u>prior approval under 22 Pa.C.S. § 3710 (relating to search</u>
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).

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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.