

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1254 Session of 2009

INTRODUCED BY SCAVELLO, SIPTROTH, CALTAGIRONE, BEYER, BRADFORD, BRENNAN, BRIGGS, BURNS, BUXTON, CARROLL, CASORIO, P. COSTA, CRUZ, DALLY, DePASQUALE, DiGIROLAMO, FABRIZIO, FRANKEL, FREEMAN, GINGRICH, GRUCELA, HARHAI, HARHART, HARKINS, HENNESSEY, W. KELLER, KILLION, KORTZ, MAHER, MANN, MELIO, MENSCH, MILNE, MOUL, MURPHY, MURT, MUSTIO, M. O'BRIEN, O'NEILL, PAYTON, READSHAW, REICHLEY, SAINATO, SANTONI, SCHRODER, SOLOBAY, J. TAYLOR, TRUE, WALKO, WATSON AND YOUNGBLOOD, APRIL 13, 2009

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 13, 2009

AN ACT

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

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

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

9 § 5511. Cruelty to animals.

10 \* \* \*

11 (c) Cruelty to animals.--

12 (1) A person commits an offense if he wantonly or  
13 cruelly illtreats, overloads, beats, otherwise abuses any  
14 animal, or neglects any animal as to which he has a duty of  
15 care, whether belonging to himself or otherwise, or abandons

1 any animal, or deprives any animal of necessary sustenance,  
2 potable drink, shelter or veterinary care, or access to clean  
3 and sanitary shelter which will protect the animal against  
4 inclement weather and preserve the animal's body heat and  
5 keep it dry.

6 \* \* \*

7 (c.1) Tethering of dogs.--

8 (1) Except as otherwise provided under paragraph (2), a  
9 person commits a summary offense if the person tethers a dog  
10 outside and unattended to any stationary object by use of a  
11 restraint between the hours of 10 p.m. and 6 a.m. or fails to  
12 satisfy the following:

13 (i) The tether used shall be placed or attached so  
14 that the dog cannot become entangled with other objects  
15 and to allow the dog to roam the full range of the  
16 tether. The tether must be of a type commonly used for  
17 the size of dog involved. No tow chain may be used.

18 (ii) The tether must be attached to the dog by means  
19 of a well-fitted collar or body harness that will not  
20 cause trauma or injury to the dog. No choke, pinch, prong  
21 or other chain collar may be used.

22 (iii) The tether must be a minimum of six feet long  
23 or at least five times the length of the dog as measured  
24 from the tip of its nose to the base of its tail,  
25 whichever is longer, and must allow the dog convenient  
26 and unfettered access to shelter and food and water  
27 containers. The tether may not become wrapped around any  
28 appendage such that it restricts the dog's movement.

29 (iv) While tethered, the dog must be provided with  
30 protection from the direct rays of the sun, and at least

1 one area of shade other than the shelter must be  
2 provided.

3 (v) A tethered dog must be free of open sores or  
4 wounds on its body.

5 (vi) A dog may not be tethered outside during  
6 periods of extreme weather such as periods of unusually  
7 cold or hot temperatures, or when a weather advisory or  
8 warning has been issued.

9 (2) The following activity shall not result in an  
10 offense under paragraph (1):

11 (i) Tethering a dog for a period not to exceed 15  
12 minutes as long as the dog is not in danger or a nuisance  
13 or does not put the public in danger.

14 (ii) Tethering a dog while actively engaged in or  
15 actively training for an activity that is conducted  
16 pursuant to a valid license issued by the Commonwealth if  
17 the activity for which the license is issued is  
18 associated with the use or presence of a dog.

19 (iii) Tethering a dog that is used in the course of  
20 commercial agricultural production or is used for the  
21 protection of commercial farm property, agricultural  
22 supplies or products.

23 (iv) Tethering a dog while actively participating in  
24 or attending an organized dog show, field trial, agility  
25 event, herding contest or other similar exposition or  
26 event, of a limited duration, that involves the judging  
27 or evaluation of dogs.

28 (v) Tethering a dog being raised, trained or  
29 utilized for sled racing so long as the dog is regularly  
30 untethered for exercise and training.

1           (vi) Tethering a dog pursuant to the requirements of  
2           a camping or recreational area.

3           (3) A person who commits an offense under this  
4           subsection may, upon conviction, and in addition to any other  
5           penalty authorized by law, be subject to forfeiture of the  
6           dog.

7           Section 2. This act shall take effect in 60 days.