## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 673

Session of 2009

INTRODUCED BY LOGAN, KITCHEN, BOSCOLA, FONTANA, STACK, COSTA, ALLOWAY, RAFFERTY AND FERLO, MARCH 20, 2009

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, MARCH 20, 2009

## AN ACT

Amending the act of December 7, 1982 (P.L.784, No.225), entitled, as amended, "An act relating to dogs, regulating 2 the keeping of dogs; providing for the licensing of dogs and 3 kennels; providing for the protection of dogs and the 4 detention and destruction of dogs in certain cases; 5 regulating the sale and transportation of dogs; declaring dogs to be personal property and the subject of theft; 7 providing for the abandonment of animals; providing for the assessment of damages done to animals; providing for payment 8 9 of damages by the Commonwealth in certain cases and the 10 liability of the owner or keeper of dogs for such damages; 11 imposing powers and duties on certain State and local 12 officers and employees; providing penalties; and creating a 13 Dog Law Restricted Account," further providing for dogs and 14 cats at large; and providing for access to and destruction of 15 seized and detained cats. 16 17 The General Assembly of the Commonwealth of Pennsylvania 18 hereby enacts as follows: 19 Section 1. The heading of Article III of the act of December 20 7, 1982 (P.L.784, No.225), known as the Dog Law, amended October 21 9, 2008 (P.L.1450, No.119), is amended to read: 22 ARTICLE III 23 QUARANTINES, DOGS AND CATS AT LARGE, CONFINEMENT 2.4 Section 2. Section 302 of the act, amended October 9, 2008

(P.L.1450, No.119), is amended to read:

25

- 1 Section 302. Seizure and detention of dogs and cats; costs;
- destruction of dogs <u>and cats</u>.
- 3 (a) General rule. -- It shall be the duty of every police
- 4 officer, State dog warden, employee of the department or animal
- 5 control officer to seize and detain any dog which is found
- 6 running at large, either upon the public streets or highways of
- 7 the Commonwealth, or upon the property of a person other than
- 8 the owner of the dog, and unaccompanied by the owner or keeper.
- 9 Every police officer, State dog warden, employee of the
- 10 department or animal control officer may humanely kill any dog
- 11 which is found running at large and is deemed after due
- 12 consideration by the police officer, State dog warden, employee
- 13 of the department or animal control officer to constitute a
- 14 threat to the public health and welfare.
- 15 (b) Licensed dogs.--The State dog warden or employee of the
- 16 department, the animal control officer, or the chief of police
- 17 or his agents of any city, borough, town or township, the
- 18 constable of any borough and the constable of any incorporated
- 19 town or township shall cause any dog bearing a proper license
- 20 tag or permanent identification and so seized and detained to be
- 21 properly kept and fed at any licensed kennel approved by the
- 22 secretary for those purposes and shall cause immediate notice,
- 23 by personal service or registered or certified mail with return
- 24 receipt requested, to the last known address, which shall be set
- 25 forth in the license application record, of the person in whose
- 26 name the license was procured, or his agent, to claim the dog
- 27 within five days after receipt thereof. The owner or claimant of
- 28 a dog so detained shall pay a penalty of \$50 to the political
- 29 subdivision whose police officers make the seizures and
- 30 detention and all reasonable expenses incurred by reason of its

- 1 detention to the detaining parties before the dog is returned.
- 2 If five days after obtaining the postal return receipt, the dog
- 3 has not been claimed, such chief of police, or his agent, or a
- 4 constable, or State dog warden or employee of the department
- 5 shall dispense the dog by sale or by giving it to a humane
- 6 society or association for the prevention of cruelty to animals.
- 7 No dog so caught and detained shall be sold for the purpose of
- 8 vivisection, or research, or be conveyed in any manner for these
- 9 purposes. All moneys derived from the sale of the dog, after
- 10 deducting the expenses of its detention, shall be paid through
- 11 the Department of Agriculture to the State Treasurer for credit
- 12 to the Dog Law Restricted Account.
- 13 (c) Unlicensed dogs. -- Except as otherwise provided by
- 14 section 305, any police officer, State dog warden, employee of
- 15 the department or animal control officer shall cause any
- 16 unlicensed dog to be seized, detained, kept and fed for a period
- 17 of 48 hours at any licensed kennel approved by the secretary for
- 18 those purposes, except any dog seriously ill or injured or
- 19 forfeited with the owner's permission. The 48-hour period shall
- 20 not include days the approved kennel is not open to the general
- 21 public. Any person may view the detained dogs during normal
- 22 business hours. Any unlicensed dog remaining unclaimed after 48
- 23 hours may be humanely killed or given to a humane society or
- 24 association for the prevention of cruelty to animals. No dog so
- 25 caught and detained shall be sold for the purpose of
- 26 vivisection, or research, or be conveyed in any manner for these
- 27 purposes.
- 28 (d) Access to and destruction of seized and detained cats. --
- 29 <u>(1) A person may view during normal business hours any</u>
- 30 cats that have been seized for running at large and detained

1 at a licensed kennel approved by the secretary for such
2 purposes by any animal control officer.

(2) A cat that has been so seized and detained for running at large and that does not have indication of owner identification shall be kept and fed at the licensed kennel for a period of 48 hours. A cat remaining unclaimed after 48 hours may be humanely killed or given to a humane society or association for prevention of cruelty to animals.

running at large and that has indication of owner identification shall be kept and fed at a licensed kennel for a period of five days, or for such additional days as provided in this paragraph. At a minimum, an attempt to contact the owner of the cat shall be made on at least two different days. If the cat has not been claimed within five days following the date the owner is successfully contacted, of if the owner cannot be reached following the attempts to contact the owner over the initial period of five days, the cat may be humanely killed or given to a humane society or association for the prevention of cruelty to animals.

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