

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 294 Session of 2015

INTRODUCED BY EICHELBERGER, WOZNIAK, FONTANA, TARTAGLIONE, COSTA, VULAKOVICH, YUDICHAK, RAFFERTY, BROWNE AND BOSCOLA, FEBRUARY 17, 2015

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, MAY 5, 2015

AN ACT

1 Amending ~~Titles~~ TITLE 18 (Crimes and Offenses) ~~and 22~~ <--
2 ~~(Detectives and Private Police)~~ of the Pennsylvania
3 Consolidated Statutes, in riot, disorderly conduct and
4 related offenses, further providing for the offense of
5 cruelty to animals; ~~and, in humane society police officers,~~ <--
6 ~~further providing for Humane Society Police Officer Advisory~~
7 ~~Board.~~

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 5511(a)(2.1) of Title 18 of the
11 Pennsylvania Consolidated Statutes is amended to read:

12 § 5511. Cruelty to animals.

13 (a) Killing, maiming or poisoning domestic animals or zoo
14 animals, etc.--

15 * * *

16 (2.1) (i) A person commits a misdemeanor of the first
17 degree if he willfully and maliciously:

18 (A) Kills, maims, mutilates, tortures or
19 disfigures any dog [or], cat or equine animal,
20 whether belonging to himself or otherwise. [If a

1 person kills, maims, mutilates, tortures or
2 disfigures a dog guide for an individual who is
3 blind, a hearing dog for an individual who is deaf or
4 audibly impaired or a service dog for an individual
5 who is physically limited, whether belonging to the
6 individual or otherwise, that person, in addition to
7 any other applicable penalty, shall be required to
8 make reparations for veterinary costs in treating the
9 dog and, if necessary, the cost of obtaining and
10 training a replacement dog.]

11 (B) Administers poison to or exposes any
12 poisonous substance with the intent to administer
13 such poison to any dog [or], cat or equine animal,
14 whether belonging to himself or otherwise.

15 (ii) Any person convicted of violating the
16 provisions of this paragraph shall be sentenced to pay a
17 fine of not less than \$1,000 or to imprisonment for not
18 more than two years, or both. The court may also order a
19 presentence mental evaluation. A subsequent conviction
20 under this paragraph shall be a felony of the third
21 degree. [This paragraph shall apply to dogs and cats
22 only.]

23 (iii) The killing of a dog [or], cat or equine
24 animal by the owner of that animal is not malicious if it
25 is accomplished in accordance with the act of December
26 22, 1983 (P.L.303, No.83), referred to as the Animal
27 Destruction Method Authorization Law.

28 (iv) If a person kills, maims, mutilates, tortures
29 or disfigures a guide dog for an individual who is blind,
30 a hearing dog for an individual who is deaf or audibly

1 impaired or a service dog for an individual who is
2 physically limited, whether belonging to the individual
3 or otherwise, that person, in addition to any other
4 applicable penalty, shall be required to make reparations
5 for veterinary costs in treating the dog and, if
6 necessary, the cost of obtaining and training a
7 replacement dog.

8 (v) For purposes of this paragraph, "torture" shall
9 include any of the following, unless directed to be
10 performed by a licensed veterinarian:

11 (A) breaking, severing or severely impairing
12 limbs;

13 (B) inflicting severe and prolonged pain from
14 burning, crushing or wounding; or

15 (C) causing or allowing, through prolonged
16 deprivation of food or sustenance, a substantial loss <--
17 in the animal's appropriate THE LOSS OF MORE THAN <--
18 ONE-THIRD OF THE ANIMAL'S NORMAL body mass without
19 veterinary care.

20 * * *

21 ~~Section 2. Section 3715 of Title 22 is amended by adding a <--~~
22 ~~subsection to read:~~

23 ~~§ 3715. Humane Society Police Officer Advisory Board.~~

24 * * *

25 ~~(g) Development of guidelines. On or before December 31,~~
26 ~~2016, the board shall develop guidelines to assist humane~~
27 ~~society police officers, law enforcement officers, the courts~~
28 ~~and the department in the implementation and enforcement of both~~
29 ~~this chapter and 18 Pa.C.S. § 5511 (relating to cruelty to~~
30 ~~animals). The guidelines shall, at a minimum, include the~~

1 ~~development of objective standards for use in determining the~~
2 ~~existence of:~~

3 ~~(1) torture and other violations of 18 Pa.C.S. § 5511;~~

4 ~~and~~

5 ~~(2) the necessary probable cause to support seizure or~~

6 ~~impoundment of animals.~~

7 Section 3 2. This act shall take effect in 60 days.

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