

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1732 Session of
2017

INTRODUCED BY HANNA, AUGUST 18, 2017

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
AUGUST 18, 2017

AN ACT

Amending the act of December 7, 1982 (P.L.784, No.225), entitled "An act relating to dogs, regulating the keeping of dogs; providing for the licensing of dogs and kennels; providing for the protection of dogs and the detention and destruction of dogs in certain cases; regulating the sale and transportation of dogs; declaring dogs to be personal property and the subject of theft; providing for the abandonment of animals; providing for the assessment of damages done to animals; providing for payment of damages by the Commonwealth in certain cases and the liability of the owner or keeper of dogs for such damages; imposing powers and duties on certain State and local officers and employees; providing penalties; and creating a Dog Law Restricted Account," in dangerous dogs, further providing for court proceedings, certificate of registration and disposition.

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

Section 1. Section 502-A(a) of the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, is amended and the section is amended by adding a subsection to read:

Section 502-A. Court proceedings, certificate of registration and disposition.

(a) Summary offense of harboring a dangerous dog.--[Any]

Except as provided under subsection (e), a person who has been

1 attacked by one or more dogs, or anyone on behalf of the person,
2 a person whose domestic animal, dog or cat has been killed or
3 injured without provocation, the State dog warden or the local
4 police officer may file a complaint before a magisterial
5 district judge, charging the owner or keeper of the a dog with
6 harboring a dangerous dog. The owner or keeper of the dog shall
7 be guilty of the summary offense of harboring a dangerous dog if
8 the magisterial district judge finds beyond a reasonable doubt
9 that the following elements of the offense have been proven:

10 (1) The dog has done any of the following:

11 (i) Inflicted severe injury on a human being without
12 provocation on public or private property.

13 (ii) Killed or inflicted severe injury on a domestic
14 animal, dog or cat without provocation while off the
15 owner's property.

16 (iii) Attacked a human being without provocation.

17 (iv) Been used in the commission of a crime.

18 (2) The dog has either or both of the following:

19 (i) A history of attacking human beings and/or
20 domestic animals, dogs or cats without provocation.

21 (ii) A propensity to attack human beings and/or
22 domestic animals, dogs or cats without provocation. A
23 propensity to attack may be proven by a single incident
24 of the conduct described in paragraph (1)(i), (ii), (iii)
25 or (iv).

26 (3) The defendant is the owner or keeper of the dog.

27 * * *

28 (e) Precautionary measures.--No owner or keeper of a dog may
29 be held liable for injuries or damages caused by the dog, nor
30 shall the owner or keeper be required to register the dog as a

1 dangerous dog, if the owner or keeper took the following
2 precautionary measures:

3 (1) installed a secure fence around the perimeter of the
4 property in which the dog is confined that prevents the dog
5 from escaping and deters children and other individuals from
6 encroaching on the property; and

7 (2) posted a sign on the fence warning children and
8 other individuals to beware of the dog.

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