



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 1238

PRINTERS NO. 1565

PRIME SPONSOR: Stephens

### COST / (SAVINGS)

FUND	FY 2016/17	FY 2017/18
General Fund	See Fiscal Impact	See Fiscal Impact

#### SUMMARY:

House Bill 1238, Printer's Number 1565, amends Title 3 (Agriculture), Title 18 (Crimes and Offenses), Title 22 (Detectives and Private Police), Title 34 (Game) and Title 42 (Judiciary and Judicial Procedure) providing for a comprehensive re-write of the cruelty to animal provisions of Title 18.

#### ANALYSIS:

##### Title 3 (Agriculture)

The legislation amends Title 3 by incorporating the new cruelty to animals provisions of Title 18 (Chapter 55: Subchapter B: Cruelty to Animals) to Sections 9318 and 9323 relating to the issuances and revocation of certain licenses.

##### Title 18 (Crimes and Offenses)

The legislation amends Title 18 by adding subchapter headings. Subchapter A is added and named "Definition of Offenses Generally." New Subchapter B is added and entitled "Cruelty to Animals" and moves certain existing provisions of law into the new Subchapter B; in addition, the legislation establishes new offenses relating to neglect (graded as a summary offense-up to a misdemeanor of the third degree), cruelty (graded as a summary offense-up to a misdemeanor of the second degree) and aggravated cruelty (graded as a felony of the third degree). The bill also addresses provisions relating to tethering a dog, makes changes for the appointments of a humane society officer and adds certain civil immunities for licensed doctors of veterinary medicine, veterinarian technicians and assistants, and humane society police officers.

##### Title 22 (Detectives and Private Police)

The legislation amends Title 22 by incorporating the new cruelty to animal provisions of Title 18 (Chapter 55: Subchapter B: Cruelty to Animals) to Section 3702 relating to the definitions of "cruelty of animals laws" and "humane society police officer." Sections 3704, 3705, 3706, 3708, 3710 and 3716, relating to the appointments of humane society police officers, are amended to require that an applicant for an appointment must submit proof of qualifications to the local district attorney's office, as well as, proof to the court of common pleas. The bill also provides that the court has the discretion to make or decline the requested appointment.

**Title 34 (Game)**

The legislation amends Title 34 by incorporating the new cruelty to animal provisions of Title 18 (Chapter 55: Subchapter B: Cruelty to Animals) to Section 2385 relating to the destruction of dogs declared public nuisances.

**Title 42 (Judiciary and Judicial Procedure)**

This legislation amends Title 42 by incorporating the new cruelty to animal provisions of Title 18 (Chapter 55: Subchapter B: Cruelty to Animals) to Section 3573 identifying that when certain offenses are committed they will be classified as a summary offense.

This legislation will be effective in 60 days.

**FISCAL IMPACT:**

This legislation could eventually impact Commonwealth and local finances due to increased prison sentences for certain cruelty to animal offenses. Information provided by the Pennsylvania Commission on Sentencing states that there are approximately 60 reported cases of cruelty to animals annually. However, it is difficult to estimate how many individuals may be arrested, convicted, and sentenced for the new grading/offenses.

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House Appropriations Committee (R)

**DATE:** April 25, 2017

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*