
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 246 Session of
2017

INTRODUCED BY SAINATO, W. KELLER, MILLARD, O'BRIEN, DRISCOLL,
LONGIETTI, WATSON, BIZZARRO, MURT, A. HARRIS, READSHAW,
GOODMAN, DeLUCA, FREEMAN, DEASY AND D. COSTA,
JANUARY 31, 2017

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 31, 2017

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in riot, disorderly conduct and
3 related offenses, further providing for the offense of
4 cruelty to animals.

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

7 Section 1. Section 5511(a)(2.1)(i), (c) and (q) of Title 18
8 of the Pennsylvania Consolidated Statutes are amended to read:

9 § 5511. Cruelty to animals.

10 (a) Killing, maiming or poisoning domestic animals or zoo
11 animals, etc.--

12 * * *

13 (2.1) (i) A person commits a misdemeanor of the first
14 degree if he [willfully]:

15 (A) Willfully and maliciously:

16 [(A)] I Kills, maims, mutilates, tortures
17 or disfigures any dog or cat, whether belonging
18 to himself or otherwise. If a person kills,

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

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

15 (B) Commits a violation of subsection (c) (1)
16 that results in the death of the cat or dog.

17 * * *

18 (c) Cruelty to animals.--

19 (1) A person commits an offense if he wantonly or
20 cruelly illtreats, overloads, beats, otherwise abuses any
21 animal, or neglects any animal as to which he has a duty of
22 care, whether belonging to himself or otherwise, or abandons
23 any animal, or deprives any animal of necessary sustenance,
24 drink, shelter or veterinary care, or access to clean and
25 sanitary shelter which will protect the animal against
26 inclement weather and preserve the animal's body heat and
27 keep it dry.

28 (2) (i) Except as provided in subparagraph (ii), a
29 person convicted of violating paragraph (1) commits a
30 summary offense.

1 (ii) A person convicted for a second or subsequent
2 time of violating paragraph (1) commits a misdemeanor of
3 the [third] second degree [if all of the following
4 occurred:

5 (A) The action or omission for which the person
6 was convicted for a subsequent time was performed on
7 a dog or cat.

8 (B) The dog or cat was seriously injured,
9 suffered severe physical distress or was placed at
10 imminent risk of serious physical harm as the result
11 of the person's action or omission].

12 (3) [This subsection shall not apply to activity
13 undertaken in normal agricultural operation.] A person
14 commits aggravated cruelty to animals when, with no
15 justifiable purpose, he intentionally kills or intentionally
16 causes serious physical injury to a companion animal with
17 aggravated cruelty.

18 (4) A person convicted of violating paragraph (3)
19 commits a misdemeanor of the first degree.

20 (5) Nothing contained in this section shall be construed
21 to prohibit activity undertaken in normal agricultural
22 operation or interfere in any way with anyone lawfully
23 engaged in hunting, trapping or fishing, the dispatch of
24 rabid or diseased animals or the dispatch of animals posing a
25 threat to human safety or other animals, where such action is
26 otherwise legally authorized.

27 * * *

28 (q) Definitions.--As used in this section, the following
29 words and phrases shall have the meanings given to them in this
30 subsection:

1 "Aggravated cruelty." Conduct which:

2 (1) is intended to cause extreme physical pain; or

3 (2) is done or carried out in an especially depraved or
4 sadistic manner.

5 "Animal fighting." Fighting or baiting any bull, bear, dog,
6 cock or other creature.

7 "Animal fighting paraphernalia." Any device, implement,
8 object or drug used or intended to be used for animal fighting,
9 to train an animal for animal fighting or in furtherance of
10 animal fighting. In determining whether an object is animal
11 fighting paraphernalia, a court or other authority should
12 consider statements by an owner or by anyone in control of the
13 object concerning its use, any prior convictions under Federal
14 or State law relating to animal fighting, the proximity of the
15 object in time and space to the direct violation of this
16 section, direct or circumstantial evidence of the intent of the
17 accused to deliver the object to persons whom he or she knows or
18 should reasonably know intends to use the object to facilitate a
19 violation of this section, oral or written instructions provided
20 with or in the vicinity of the object concerning its use,
21 descriptive materials accompanying the object which explain or
22 depict its use and all other logically relevant factors.

23 "Audibly impaired." The inability to hear air conduction
24 thresholds at an average of 40 decibels or greater in the better
25 ear.

26 "Blind." Having a visual acuity of 20/200 or less in the
27 better eye with correction or having a limitation of the field
28 of vision such that the widest diameter of the visual field
29 subtends an angular distance not greater than 20 degrees.

30 "Conveyance." A truck, tractor, trailer or semitrailer, or

1 any combination of these, propelled or drawn by mechanical
2 power.

3 "Deaf." Totally impaired hearing or hearing with or without
4 amplification which is so seriously impaired that the primary
5 means of receiving spoken language is through other sensory
6 input, including, but not limited to, lip reading, sign
7 language, finger spelling or reading.

8 "Domestic animal." Any dog, cat, equine animal, bovine
9 animal, sheep, goat or porcine animal.

10 "Domestic fowl." Any avis raised for food, hobby or sport.

11 "Equine animal." Any member of the Equidae family, which
12 includes horses, asses, mules, ponies and zebras.

13 "Normal agricultural operation." Normal activities,
14 practices and procedures that farmers adopt, use or engage in
15 year after year in the production and preparation for market of
16 poultry, livestock and their products in the production and
17 harvesting of agricultural, agronomic, horticultural,
18 silvicultural and aquicultural crops and commodities.

19 "Physically limited." Having limited ambulation, including,
20 but not limited to, a temporary or permanent impairment or
21 condition that causes an individual to use a wheelchair or walk
22 with difficulty or insecurity, affects sight or hearing to the
23 extent that an individual is insecure or exposed to danger,
24 causes faulty coordination or reduces mobility, flexibility,
25 coordination or perceptiveness.

26 "Zoo animal." Any member of the class of mammalia, aves,
27 amphibia or reptilia which is kept in a confined area by a
28 public body or private individual for purposes of observation by
29 the general public.

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