

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1825

Session of
1983

INTRODUCED BY GREENWOOD, ITKIN, RAPPAPORT, SPENCER, BURNS,
REINARD, CLYMER, J. L. WRIGHT, ARTY, PISTELLA, CORDISCO,
HERMAN, KUKOVICH, SERAFINI, GALLAGHER AND MAYERNIK,
DECEMBER 14, 1983

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 14, 1983

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, further providing for the offense of cruelty to
4 animals and disposition of certain fines.

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

7 Section 1. Section 5511 of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 5511. Cruelty to animals.

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

12 (1) A person commits a misdemeanor of the second degree
13 if he willfully and maliciously kills, maims or disfigures
14 any domestic animal of another person or any zoo animal in
15 captivity, or willfully and maliciously, administers poison
16 to any such domestic or zoo animal, or exposes any poisonous
17 substance, with intent that the same shall be taken or
18 swallowed by animals, fowl or birds.

1 (2) This subsection shall not apply to the killing of
2 any animal taken or found in the act of actually destroying
3 any domestic animal or domestic fowl nor to such reasonable
4 activity as may be undertaken in connection with vermin
5 control or pest control.

6 [(3) As used in this subsection, the following terms
7 shall have the meanings given to them in this paragraph:

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
11 sport.

12 "Zoo animal." Any member of the class of mammalia, aves,
13 amphilia or reptilia which is kept in a confined area by a
14 public body or private individual for purposes of observation
15 by the general public.]

16 (b) Regulating certain actions concerning fowl or rabbits.--
17 A person commits a summary offense if he sells, offers for sale,
18 barters, or gives away baby chickens, ducklings, or other fowl,
19 under one month of age, or rabbits under two months of age, as
20 pets, toys, premiums or novelties or [to color, dye, stain or]
21 if he colors, dyes, stains or otherwise [change] changes the
22 natural color of baby chickens, ducklings or other fowl, or
23 rabbits or [to bring or transport] if he brings or transports
24 the same into this Commonwealth[: Provided, That this] . This
25 section shall not be construed to prohibit the sale or display
26 of such baby chickens, ducklings, or other fowl, or such
27 rabbits, in proper facilities by persons engaged in the business
28 of selling them for purposes of commercial breeding and raising.

29 (c) Cruelty to animals.--A person commits a summary offense
30 if he wantonly or cruelly illtreats, overloads, beats [or] .

1 otherwise abuses any animal, or neglects any animal as to which
2 he has a duty of care, whether belonging to himself or
3 otherwise, or abandons any animal, or deprives any animal of
4 necessary sustenance, drink, shelter or veterinary care, or
5 access to clean and sanitary shelter which will protect the
6 animal against inclement weather and preserve the animal's body
7 heat and keep it dry, or keeps or uses, or in any way is
8 connected with, or interested in the management of, or receives
9 money for the admission of any person to any place kept or used
10 for the purpose of fighting or baiting any bull, bear, dog, cock
11 or other creature, or encourages, aids or assists therein, or
12 permits or suffers any place to be so kept or used. This
13 subsection shall not apply to reasonable activity undertaken in
14 agricultural production or normal farming operations.

15 (d) Selling or using disabled horse.--A person commits a
16 summary offense if he offers for sale or sells any horse, which
17 by reason of debility, disease or lameness, or for other cause,
18 could not be worked or used without violating the laws against
19 cruelty to animals, or leads, rides [or] drives or transports
20 any such horse for any purpose, except that of conveying the
21 [animal to a proper place] horse to the nearest available
22 appropriate facility for its humane keeping or [killing]
23 destruction or for medical or surgical treatment.

24 (e) Transporting animals in cruel manner.--A person commits
25 a summary offense if he carries, or causes, or allows to be
26 carried in or upon any cart, or other vehicle whatsoever, any
27 animal in a cruel or [inhuman] inhumane manner. The person
28 taking him into custody may take charge of the animal and of any
29 such vehicle and its contents, and deposit the same in some safe
30 place of custody, and any necessary expenses which may be

1 incurred for taking charge of and keeping the same, and
2 sustaining any such animal, shall be a lien thereon, to be paid
3 before the same can lawfully be recovered, or the said expenses
4 or any part thereof remaining unpaid may be recovered by the
5 person incurring the same [of] from the owner of said creature
6 in any action therefor.

7 For the purposes of this section, it shall not be deemed
8 cruel or [inhuman] inhumane to transport live poultry in crates
9 so long as not more than 15 pounds of live poultry are allocated
10 to each cubic foot of space in the crate.

11 (f) Hours of labor of animals.--A person commits a summary
12 offense if he leads, drives, rides or works or causes or permits
13 any other person to lead, drive, ride or work any horse, mare,
14 mule, ox, or any other animal, whether belonging to himself or
15 in his possession or control, for more than 15 hours in any 24
16 hour period, or more than 90 hours in any one week.

17 Nothing in this subsection contained shall be construed to
18 warrant any persons leading, driving, riding or walking any
19 animal a less period than 15 hours, when so doing shall in any
20 way violate the laws against cruelty to animals.

21 (g) Cruelty to cow to enhance appearance of udder.--A person
22 commits a summary offense if he kneads or beats or pads the
23 udder of any cow, or willfully allows it to go unmilked for a
24 period of 24 hours or more, for the purpose of enhancing the
25 appearance or size of the udder of said cow, or by a muzzle or
26 any other device prevents its calf, if less than six weeks old,
27 from obtaining nourishment, and thereby relieving the udder of
28 said cow, for a period of 24 hours.

29 (h) Cropping ears of dog; prima facie evidence of
30 violation.--A person commits a summary offense if he crops or

1 cuts off, or causes or procures to be cropped or cut off, the
2 whole, or part of the ear or ears of a dog or shows or exhibits
3 or procures the showing or exhibition of any dog whose ear is or
4 ears are cropped or cut off, in whole or in part, unless the
5 person showing such dog has in his possession either a
6 certificate of veterinarian stating that such cropping was done
7 by the veterinarian or a certificate of registration from a
8 county treasurer, showing that such dog was cut or cropped
9 before this section became effective.

10 The provisions of this section shall not prevent a
11 veterinarian from cutting or cropping the whole or part of the
12 ear or ears of a dog when such dog is anesthetized, and shall
13 not prevent any person from causing or procuring such cutting or
14 cropping of a dog's ear or ears by a veterinarian.

15 The possession by any person of a dog with an ear or ears cut
16 off or cropped and with the wound resulting therefrom unhealed,
17 or any such dog being found in the charge or custody of any
18 person or confined upon the premises owned by or under the
19 control of any person, shall be prima facie evidence of a
20 violation of this subsection by such person except as provided
21 for in this subsection.

22 The owner of any dog whose ear or ears have been cut off or
23 cropped before this section became effective may, if a resident
24 of this Commonwealth, register such dog with the treasurer of
25 the county where he resides, and if a nonresident of this
26 Commonwealth, with the treasurer of any county of this
27 Commonwealth, by certifying, under oath, that the ear or ears of
28 such dog were cut or cropped before this section became
29 effective, and the payment of a fee of \$1 into the county
30 treasury. The said treasurer shall thereupon issue to such

1 person a certificate showing such dog to be a lawfully cropped
2 dog.

3 (i) Power to [make arrests] initiate criminal proceedings.--
4 [Any policeman or any agent of any society or association for
5 the prevention of cruelty to animals duly incorporated under the
6 laws of this Commonwealth, shall, upon his own view of any
7 offense under this section, make an arrest, and bring before a
8 justice of the peace the offender found violating said
9 provisions, and any policeman or any agent of any society, as
10 aforesaid, shall also make arrests of such offenders on warrants
11 duly issued according to law, when such offense is not committed
12 in view of said officer, or agent and in addition to such
13 powers, such policeman or agent is authorized and shall have
14 standing to request any court of competent jurisdiction to
15 enjoin any violation of this section.] Where a violation of this
16 section is alleged, agents of any society or association for the
17 prevention of cruelty to animals duly incorporated under the
18 laws of this Commonwealth may exercise the same powers to
19 initiate criminal proceedings provided for police officers by
20 the Pennsylvania Rules of Criminal Procedure.

21 (j) Seizure of animals kept for baiting or fighting.--Any
22 agent of a society or association for the prevention of cruelty
23 to animals incorporated under the laws of this Commonwealth,
24 shall have power to seize any bull, bear, dog, cock, or other
25 creature, kept, used, or intended to be used for the purpose of
26 fighting or baiting, and to sell the same. The proceeds
27 therefrom shall be paid to the treasurer of the municipality in
28 which such offense occurred. When the seizure is made, the
29 animal or animals so seized shall not be deemed absolutely
30 forfeited, but shall be held by the officer seizing the same

1 until a conviction of some person is first obtained for keeping
2 or using, or being connected with or interested in the
3 management of any place used for fighting or baiting animals,
4 and the animal or creature seized shall have been found on the
5 premises which are the subject of the complaint. The agent
6 making such seizure shall make due return to the justice of the
7 peace before whom the complaint is heard, of the number and kind
8 of animals or creatures so seized by him, and it shall be the
9 duty of the justice of the peace hearing the complaint, in case
10 of a conviction, to make the forfeiture of such animals or
11 creatures seized a part of the sentence.

12 (k) Killing homing pigeons.--A person commits a summary
13 offense if he shoots, maims or kills any antwerp or homing
14 pigeon, either while on flight or at rest, or detains or entraps
15 any such pigeon which carries the name of its owner.

16 (l) Search warrants.--[Any justice of the peace, on proof of
17 demand and oath of any policeman or any agent of any society or
18 association for the prevention of cruelty to animals duly
19 incorporated under the laws of this Commonwealth on his belief
20 based on probable cause, that an act of cruelty to animals is
21 being committed in any building, barn or enclosure, is
22 authorized to issue a search warrant to any of the said officers
23 to make search of the said premise, and to forthwith arrest
24 offenders found committing acts of cruelty, and bring them
25 before said justice of the peace for trial; providing for the
26 care of animals so found to be neglected and starving and if
27 necessary to remove them from the premises for that purpose, and
28 for the humane destruction of any animal disabled, diseased or
29 injured beyond reasonable hope of recovery, the costs thereof to
30 be paid by the owner; authorizing a lien on said animals for

1 expenses or keep and care, or action against the owner to cover
2 the same: Provided, That no search warrant shall be issued under
3 the provisions of this section which shall authorize any
4 policeman, or agent or other person to enter upon or search
5 premises where scientific research work is being conducted by,
6 or under the supervision of, graduates of duly accredited
7 scientific schools or where biological products are being
8 produced for the care or prevention of disease.] Where a
9 violation of this section is alleged, any issuing authority may,
10 in compliance with the applicable provisions of the Pennsylvania
11 Rules of Criminal Procedure, issue to any police officer or any
12 agent of any society or association for the prevention of
13 cruelty to animals duly incorporated under the laws of this
14 Commonwealth a search warrant authorizing the search of any
15 building or any enclosure in which any violation of this section
16 is occurring or has occurred, and authorizing the seizure of
17 evidence of the violation including, but not limited to, the
18 animals which were the subject of the violation. Where an animal
19 thus seized is found to be neglected or starving, the police
20 officer or agent is authorized to provide such care as is
21 reasonably necessary, and where any animal thus seized is found
22 to be disabled, injured or diseased beyond reasonable hope of
23 recovery, the police officer or agent is authorized to provide
24 for the humane destruction of the animal. The cost of the
25 keeping, care and destruction of the animal shall be paid by the
26 owner thereof and claims for the costs shall constitute a lien
27 upon the animal. In addition to any other penalty provided by
28 law, the authority imposing sentence upon a conviction for any
29 violation of this section may require that the owner pay the
30 cost of the keeping, care and destruction of the animal. No

1 search warrant shall be issued based upon an alleged violation
2 of this section which authorizes any police officer or agent or
3 other person to enter upon or search premises where scientific
4 research work is being conducted by, or under the supervision
5 of, graduates of duly accredited scientific schools or where
6 biological products are being produced for the care or
7 prevention of disease.

8 (m) Forfeiture.--In addition to any other penalty provided
9 by law, the authority imposing sentence upon a conviction for
10 any violation of this section may order the forfeiture or
11 surrender of any abused, neglected or deprived animal of the
12 defendant to any society or association for the prevention of
13 cruelty to animals duly incorporated under the laws of this
14 Commonwealth.

15 (n) Skinning of and selling or buying pelts of dogs and
16 cats.--A person commits a summary offense if he skins a dog or
17 cat or offers for sale or exchange or offers to buy or exchange
18 the pelt or pelts of any dog or cat.

19 (o) Representation of humane society by attorney.--Upon
20 prior authorization and approval by the district attorney of the
21 county in which the proceeding is held, an association or agent
22 may be represented in any proceeding under this section by any
23 attorney admitted to practice before the Supreme Court of
24 Pennsylvania and in good standing.

25 (p) Definitions.--As used in this section the following
26 words and phrases have the meanings given to them in this
27 subsection.

28 "Agricultural production." The production for commercial
29 purposes of livestock and livestock products.

30 "Domestic animal." Any dog, cat, equine animal, bovine

1 animal, sheep, goat or porcine animal.

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

3 "Normal farming operations." The custody and generally
4 accepted activities, practices and procedures that farmers
5 adopt, use or engage in year after year in the production and
6 preparation for market of poultry, livestock and their products.

7 "Zoo animal." Any member of the class of mammalia, aves,
8 amphibia or reptilia which is kept in a confined area by a
9 public body or private individual for purposes of observation by
10 the general public.

11 Section 2. Section 3573(c) of Title 42 is amended to read:

12 § 3573. Municipal corporation portion of fines, etc.

13 * * *

14 (c) Summary offenses.--Fines forfeited, recognizances and
15 other forfeitures imposed, lost or forfeited under the following
16 provisions of law shall, when any such offense is committed in a
17 municipal corporation, be payable to such municipal corporation:

18 (1) Under the following provisions of Title 18 (relating
19 to crimes and offenses):

20 Section 2709 (relating to harassment).

21 Section 3304 (relating to criminal mischief).

22 Section 3503 (relating to criminal trespass).

23 Section 3929 (relating to retail theft).

24 Section 4105 (relating to bad checks).

25 Section 5503 (relating to disorderly conduct).

26 Section 5505 (relating to public drunkenness).

27 Section 5511[(c), (d) and (f)] (relating to cruelty
28 to animals).

29 Section 6308 (relating to purchase, consumption,
30 possession or transportation of intoxicating beverages).

1 Section 6501 (relating to scattering rubbish).
2 (2) Section 13, act of January 24, 1966 (1965 P.L.1535,
3 No.537), known as the "Pennsylvania Sewage Facilities Act."
4 * * *
5 Section 3. This act shall take effect in 60 days.