

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 165 Session of
2005

INTRODUCED BY ADOLPH, KILLION, BAKER, BELFANTI, CALTAGIRONE,
CAPPELLI, CASORIO, CRAHALLA, D. EVANS, FABRIZIO, GINGRICH,
GOODMAN, HARRIS, LEACH, MELIO, O'NEILL, PAYNE, PHILLIPS,
PRESTON, REICHLEY, RUFFING, SAINATO, SCAVELLO, SHANER,
STABACK, E. Z. TAYLOR, WASHINGTON, WATSON AND YOUNGBLOOD,
JANUARY 31, 2005

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 31, 2005

AN ACT

1 Amending the act of December 7, 1982 (P.L.784, No.225),
2 entitled, as amended, "An act relating to dogs, regulating
3 the keeping of dogs; providing for the licensing of dogs and
4 kennels; providing for the protection of dogs and the
5 detention and destruction of dogs in certain cases;
6 regulating the sale and transportation of dogs; declaring
7 dogs to be personal property and the subject of theft;
8 providing for the abandonment of animals; providing for the
9 assessment of damages done to animals; providing for payment
10 of damages by the Commonwealth in certain cases and the
11 liability of the owner or keeper of dogs for such damages;
12 imposing powers and duties on certain State and local
13 officers and employees; providing penalties; and creating a
14 Dog Law Restricted Account," further providing for
15 definitions and for seizure and detention; adding provisions
16 relating to cats; and providing for records and statistics.

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

19 Section 1. Section 102 of the act of December 7, 1982
20 (P.L.784, No.225), known as the Dog Law, is amended by adding
21 definitions to read:

22 Section 102. Definitions.

23 The following words and phrases when used in this act shall

1 have, unless the context clearly indicates otherwise, the
2 meanings given to them in this section:

3 * * *

4 "Domestic animal shelter." Any facility which receives,
5 accepts or temporarily houses a domestic animal or releases a
6 domestic animal and all other animal control facilities,
7 municipal shelters and pounds which are not covered under the
8 definition of humane society or association for the prevention
9 of cruelty to animals. The term shall not include boarding
10 kennels.

11 "Feral cat." A domestic cat that has reverted to the wild
12 state after being lost or abandoned, or the offspring of such
13 cats who have lived in a wild state for some generations.

14 * * *

15 Section 2. Section 302 of the act, amended December 11, 1996
16 (P.L.943, No.151), is amended to read:

17 Section 302. Seizure and detention of dogs; costs; destruction
18 of dogs; detention of cats.

19 (a) General rule.--It shall be the duty of every police
20 officer, State dog warden, employee of the department or animal
21 control officer to seize and detain any dog which is found
22 running at large, either upon the public streets or highways of
23 the Commonwealth, or upon the property of a person other than
24 the owner of such dog, and unaccompanied by the owner or keeper.
25 Every police officer, State dog warden, employee of the
26 department or animal control officer may humanely kill any dog
27 which is found running at large and is deemed after due
28 consideration by the police officer, State dog warden, employee
29 of the department or animal control officer to constitute a
30 threat to the public health and welfare.

1 (b) Licensed dogs.--The State dog warden or employee of the
2 department, the animal control officer, or the chief of police
3 or his agents of any city, borough, town or township, the
4 constable of any borough and the constable of any incorporated
5 town or township shall cause any dog bearing a proper license
6 tag or permanent identification and so seized and detained to be
7 properly kept and fed at any licensed kennel approved by the
8 secretary for such purposes and shall cause immediate notice, by
9 registered or certified mail with return receipt requested, to
10 the person in whose name the license was procured, or his agent,
11 to claim such dog within [five] six days after receipt thereof.
12 The owner or claimant of a dog so detained shall pay a penalty
13 of \$15 to the political subdivision whose police officers make
14 such seizures and detention and all reasonable expenses incurred
15 by reason of its detention to the detaining parties before the
16 dog is returned. If [five] six days after obtaining the postal
17 return receipt, such dog has not been claimed, such chief of
18 police, or his agent, or a constable, or State dog warden or
19 employee of the department shall dispense such dog by sale or by
20 giving it to a domestic animal shelter or a humane society or
21 association for the prevention of cruelty to animals. No dog so
22 caught and detained shall be sold for the purpose of
23 vivisection, or research, or be conveyed in any manner for these
24 purposes. All moneys derived from the sale of such dog, after
25 deducting the expenses of its detention, shall be paid through
26 the Department of Agriculture to the State Treasurer for credit
27 to the Dog Law Restricted Account.

28 (c) Unlicensed dogs.--Except as otherwise provided by
29 section 305, any police officer, State dog warden, employee of
30 the department or animal control officer shall cause any

1 unlicensed dog to be seized, detained, kept and fed for a period
2 of [48 hours] four days at any licensed kennel approved by the
3 secretary for such purposes, except any dog seriously ill or
4 injured or forfeited with the owner's permission. Any person may
5 view such detained dogs during normal business hours. Any
6 unlicensed dog remaining unclaimed after [48 hours] four days
7 may be humanely killed or given to a domestic animal shelter or
8 a humane society or association for the prevention of cruelty to
9 animals. No dog so caught and detained shall be sold for the
10 purpose of vivisection, or research, or be conveyed in any
11 manner for these purposes.

12 (d) Cats.--

13 (1) Any cat brought to a domestic animal shelter or a
14 humane society or association for the prevention of cruelty
15 to animals shall be detained, kept and fed for a period of 48
16 hours, except any feral cat or cat seriously ill or injured
17 or forfeited with the owner's permission.

18 (2) No cat detained shall be sold for the purpose of
19 vivisection, or research, or be conveyed in any manner for
20 these purposes.

21 Section 3. The act is amended by adding a section to read:

22 Section 1202.1. Records and statistics maintained and
23 published.

24 (a) Records and statistics.--Every humane society or
25 association for the prevention of cruelty to animals and a
26 domestic animal shelter shall keep detailed records of all
27 domestic animals brought into its facility. These records shall
28 be forwarded quarterly to the Bureau of Dog Law Enforcement. The
29 Bureau of Dog Law Enforcement and each individual humane society
30 or association for the prevention of cruelty to animals and

domestic animal shelter shall make the following information
available for public inspection on a quarterly basis:

(1) the number of cats, kittens, dogs and puppies
brought into the facility;

(2) the number of cats, kittens, dogs and puppies
adopted from the facility;

(3) the number of cats, kittens, dogs and puppies
returned to the owner;

(4) the number of cats, kittens, dogs and puppies
humanely killed at the facility;

(5) the method used to humanely kill cats, kittens, dogs
and puppies;

(6) the manner in which the remains of cats, kittens,
dogs and puppies were disposed;

(7) the number of cats, kittens, dogs and puppies which
died at the facility;

(8) the number and method of other dispositions for
cats, kittens, dogs and puppies which do not fall under the
above categories; and

(9) the holding capacity for cats, kittens, dogs and
puppies of the facility.

(b) Penalty.--Any person found in violation of this section
shall be guilty of a summary offense for the first violation and
for a second and subsequent violation which occurs within one
year of sentencing for the first violation shall be guilty of a
misdemeanor of the third degree.

Section 4. This act shall take effect in 60 days.