
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 82 Session of
2013

INTRODUCED BY ELLIS, HAGGERTY, K. BOYLE, KAUFFMAN, V. BROWN,
STEPHENS, SCHLOSSBERG, LONGIETTI, DAVIS, KORTZ, O'NEILL, D.
COSTA, C. HARRIS AND HESS, JANUARY 10, 2013

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
JANUARY 10, 2013

AN ACT

1 Providing for actions for costs of care of seized animals.

2 The General Assembly finds and declares that:

3 (1) Owners of animals have a duty of care.

4 (2) Because of this duty of care, owners of animals are
5 responsible for the costs of caring for those animals and
6 that responsibility continues if those animals are duly
7 seized.

8 (3) The General Assembly has enacted 18 Pa.C.S. § 5511
9 (relating to cruelty to animals) relating to cruelty to
10 animals which can lead to seizure of animals.

11 (4) Neither 18 Pa.C.S. § 5511 nor this act pertains to
12 activity undertaken in normal agricultural operations.

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

15 Section 1. Short title.

16 This act shall be known and may be cited as the Costs of Care

1 of Seized Animals Act.

2 Section 2. Definitions.

3 The following words and phrases when used in this act shall
4 have the meanings given to them in this section unless the
5 context clearly indicates otherwise:

6 "Costs order." A court order to pay reasonable costs of care
7 issued under section 5(e).

8 "Defendant." A person charged with a violation of 18 Pa.C.S.
9 § 5511 (relating to cruelty to animals).

10 "Normal agricultural operation." As defined under 18 Pa.C.S.
11 § 5511(q) (relating to cruelty to animals).

12 "Petition." A petition for reasonable costs of care for any
13 animal seized under 18 Pa.C.S. § 5511 (relating to cruelty to
14 animals).

15 "Petitioner." A person or entity that files a petition under
16 this act.

17 "Reasonable costs of care." As follows:

18 (1) The reasonable costs of caring for seized animals,
19 including the provision of food, water, shelter and medical
20 care, beginning at the date of the seizure and continuing
21 until the earlier of one of the following:

22 (i) At least 30 days following a hearing on a
23 petition for costs of care.

24 (ii) The seized animals are no longer under the
25 control of the petitioner.

26 (iii) The owner and defendant have relinquished all
27 interests in the seized animals.

28 (2) Reasonable costs of care shall be limited to \$15 per
29 day per animal, in addition to necessary medical care, as
30 determined by a licensed veterinarian and documented by

1 invoices.

2 "Respondent." Any of the following:

3 (1) A defendant.

4 (2) An owner of a seized animal.

5 "Society or association." A nonprofit society or association
6 duly incorporated under 15 Pa.C.S. Ch. 53 Subch. A (relating to
7 incorporation generally) for the purpose of the prevention of
8 cruelty to animals.

9 Section 3. Petition for reasonable costs of care.

10 (a) Filing.--If animals are seized under 18 Pa.C.S. § 5511
11 (relating to cruelty to animals), a petition may be filed, with
12 the same magisterial district court where related criminal
13 charges have been filed, by any of the following:

14 (1) A county or municipal official.

15 (2) A society or association or other incorporated
16 nonprofit organization providing care for the animals.

17 (b) Time.--A petition may not be filed later than the entry
18 of final judgment on the related criminal charge for a violation
19 of 18 Pa.C.S. § 5511.

20 Section 4. Respondents.

21 (a) Defendant.--Not later than five days after filing a
22 petition under section 3, the petitioner shall serve the
23 petition on the defendant by personal service or by registered
24 mail to any of the following:

25 (1) The defendant's mailing address.

26 (2) The place of business of the defendant's counsel.

27 (3) The detention facility where the defendant is
28 incarcerated.

29 (b) Owner.--The petitioner shall serve the petition on the
30 owner of a seized animal if all of the following apply:

1 (1) The petitioner is aware that the defendant is not
2 the owner of the seized animals.

3 (2) The petitioner is aware of the owner's location.

4 Section 5. Hearing.

5 (a) Date.--Upon receipt of a petition, the court shall set a
6 date for a hearing to determine the responsibility of a
7 respondent for reasonable costs of care.

8 (b) Time.--A hearing under subsection (a) shall be scheduled
9 not less than seven days but not more than 14 days from the
10 service of the petition on the respondent.

11 (c) Evidence.--At the hearing, the petitioner shall present
12 evidence that demonstrates the amount of reasonable costs of
13 care for the seized animals and that the seizure was warranted.

14 (d) Objection.--All respondents shall have the opportunity
15 at the hearing to object to the petition.

16 (e) Costs order.--

17 (1) Not later than five days after the commencement of
18 the hearing, the court shall issue an order granting or
19 denying the petition. If the court grants the petition, the
20 order shall include the amount of reasonable costs of care to
21 be paid by the respondent.

22 (2) The costs order shall include a schedule of monthly
23 payments for costs of care to be paid by the respondent
24 beginning 30 days after the initial payment designated in the
25 order under paragraph (1). Payments shall continue until
26 termination under section 7. The respondents' ability to pay
27 shall not affect the court's determination as to the amount
28 of the reasonable costs of care.

29 Section 6. Payment of reasonable expenses.

30 (a) General rule.--Not later than five days after service of

1 the costs order, the respondent shall deposit the ordered amount
2 with the clerk of courts. The respondent shall make payments
3 thereafter under the costs order until termination under section
4 7.

5 (b) Nonpayment.--If a respondent subject to a costs order
6 fails to timely pay any of the amounts ordered, the following
7 shall apply:

8 (1) A seized animal for which reasonable costs of care
9 were ordered shall be automatically forfeited, by operation
10 of law, to the petitioner.

11 (2) The petitioner shall obtain all rights and
12 privileges in and over the animals.

13 (c) Adjustment.--The court, upon motion by a petitioner or
14 respondent and after a hearing consistent with section 5, may
15 adjust the amount of reasonable costs of care.

16 (d) Disbursement.--After deposit of the funds under
17 subsection (a), the clerk of the courts shall disburse the funds
18 to the petitioner. Disbursement of the funds shall not prevent
19 the petitioner from doing any of the following:

20 (1) Providing necessary medical care, including
21 euthanizing any seized animal. The petitioner may euthanize a
22 seized animal if the petitioner obtains a written opinion
23 from a licensed veterinarian who states it is necessary to
24 alleviate the animal's suffering.

25 (2) Transferring a seized animal if any of the following
26 apply:

27 (i) The court orders the transfer.

28 (ii) The defendant or owner of the animal surrenders
29 all rights to the animal.

30 Section 7. Termination of costs order.

1 (a) Time.--A costs order shall be terminated upon the
2 occurrence of any of the following:

3 (1) The issuance of a final judgment on the criminal
4 charge for a violation of 18 Pa.C.S. § 5511 (relating to
5 cruelty to animals).

6 (2) The defendant or owner of the animals surrendering
7 all rights to the animals.

8 (3) The seized animals being no longer under the control
9 of the petitioner.

10 (b) Remittance.--No earlier than the issuance of the final
11 order on the related criminal charge for a violation of 18
12 Pa.C.S. § 5511, any unused portion of reasonable costs of care
13 remaining after full payment in accordance with a costs order
14 shall be remitted to the defendant or owner.

15 Section 8. Examination.

16 Notwithstanding any other rights under 18 Pa.C.S. § 5511
17 (relating to cruelty to animals) and not later than the
18 commencement of the hearing under section 5, the defendant or
19 owner of the animal shall have one opportunity to examine the
20 seized animal for the purposes of preserving evidence. The
21 examination shall be completed in the presence of a law
22 enforcement officer.

23 Section 9. Immunity.

24 A petitioner shall be immune from civil liability for damages
25 alleged by a defendant or owner concerning the care provided by
26 the petitioner.

27 Section 10. Applicability.

28 Nothing in this act shall apply to animals used for
29 activities undertaken in a normal agricultural operation.

30 Section 30. Effective date.

1 This act shall take effect in 60 days.