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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 373 Session of  
2015

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INTRODUCED BY ALLOWAY, SCAVELLO, TEPLITZ, TARTAGLIONE, FONTANA,  
BREWSTER, COSTA, VULAKOVICH, FARNESE, SMITH, WARD, HUGHES,  
LEACH, SCHWANK, WHITE, STEFANO, BOSCOLA, MENSCH AND DINNIMAN,  
FEBRUARY 3, 2015

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REFERRED TO JUDICIARY, FEBRUARY 3, 2015

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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(c)(2) of Title 18 of the  
8 Pennsylvania Consolidated Statutes is amended and the section is  
9 amended by adding subsections to read:

10 § 5511. Cruelty to animals.

11 \* \* \*

12 (c) Cruelty to animals.--

13 \* \* \*

14 (2) (i) Except as provided in [subparagraph]  
15 subparagraphs (ii) and (iii), a person convicted of  
16 violating paragraph (1) commits a summary offense.

17 (ii) A person convicted for a second or subsequent  
18 time of violating paragraph (1) commits a misdemeanor of

1 the third degree if all of the following occurred:

2 (A) The action or omission for which the person  
3 was convicted for a subsequent time was performed on  
4 a dog or cat.

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

9 (iii) A person convicted of violating paragraph (1)  
10 in combination with a first violation of subsection (c.1)  
11 or (c.2) commits a misdemeanor of the third degree.

12 \* \* \*

13 (c.1) Tethering of dogs.--

14 (1) Except as otherwise provided under subsection (c) (2)  
15 or paragraph (2), a person commits a summary offense if the  
16 person tethers an unattended dog, by use of a physical  
17 restraint, to any stationary or highly immobile object unless  
18 all of the following apply:

19 (i) The tethering is not for a longer period of time  
20 than is reasonably necessary for the dog or person to  
21 complete a temporary task that requires the dog to be  
22 physically restrained.

23 (ii) The dog is periodically monitored while  
24 tethered.

25 (iii) The tether is attached to the dog by a  
26 nonchoke-type collar and is attached to the object by  
27 swivel anchors, latches or similar devices in a manner  
28 which prevents the tether from:

29 (A) becoming entangled around any object so as  
30 to limit the dog's freedom; or

1           (B) entangling the dog or any of the dog's  
2           appendages.

3           (iv) The tether used to restrain the dog is of a  
4           type commonly used for the dog involved and is not  
5           thicker than one-eighth of an inch.

6           (v) The tether is at least three times the length of  
7           the dog, as measured from the tip of the dog's nose to  
8           the base of the dog's tail, but not less than 10 feet in  
9           length.

10          (vi) The dog has easy access to potable drinking  
11          water, edible food and adequate shade and shelter within  
12          the tethered area, unless the dog is being directly  
13          supervised.

14          (vii) The dog is not tethered outdoors:

15                (A) during any period in which a severe weather  
16                warning has been issued for the area by the National  
17                Weather Service; or

18                (B) for a continuous period of time greater than  
19                30 minutes if the temperature is below 32 degrees  
20                Fahrenheit or above 90 degrees Fahrenheit.

21          (2) A person convicted for a second or subsequent time  
22          of violating paragraph (1) commits a misdemeanor of the third  
23          degree.

24          (3) A person who commits an offense under this  
25          subsection shall, upon conviction, be sentenced to pay:

26                (i) a fine of not less than \$200 nor more than \$750;

27                (ii) all veterinary costs;

28                (iii) shelter costs, which may not exceed \$15 per  
29                day per dog; and

30                (iv) court costs.

1 (c.2) Shelters for dogs.--

2 (1) A person in charge or control of a dog which is kept  
3 outdoors or in an unheated enclosure shall, at a minimum,  
4 provide the dog with shelter and bedding as follows:

5 (i) The following shall apply:

6 (A) The shelter must be a moisture-proof and  
7 wind-proof structure of suitable size to accommodate  
8 the dog and allow retention of body heat. At minimum,  
9 a shelter must meet the following dimensions:

10 (I) Depth - dog's length plus 12 inches.

11 (II) Width - dog's length plus 18 inches.

12 (III) Height - dog's height plus 3 inches on  
13 the low side of the shelter and dog's height plus  
14 9 inches on the high side of the shelter.

15 (B) The shelter must be made of durable material  
16 with a solid, moisture-proof floor raised at least  
17 three inches from the ground.

18 (C) The roof must extend eight inches over the  
19 doorway to keep out rain.

20 (D) The shelter may not be constructed of any  
21 material that readily conducts heat or cold.

22 (ii) Between May 1 and October 31, the person in  
23 charge or control of the dog must ensure that the dog is  
24 provided with shade from the direct rays of the sun.

25 (iii) Between November 1 and March 31, the structure  
26 must have a windbreak at the entrance. The person in  
27 charge or control of the dog must provide a sufficient  
28 quantity of suitable bedding material to provide  
29 insulation and protection against cold and dampness and  
30 promote retention of body heat. Hay, blankets, rags or

1 other material that retains moisture may not be utilized  
2 for bedding.

3 (2) (i) Except as provided under subsection (c) (2) or  
4 subparagraph (ii), a person convicted of violating  
5 paragraph (1) commits a summary offense.

6 (ii) A person convicted for a second or subsequent  
7 time of violating paragraph (1) commits a misdemeanor of  
8 the third degree.

9 (3) A person who commits an offense under this  
10 subsection shall, upon conviction, be sentenced to pay:

11 (i) a fine of not less than \$200 nor more than \$750;

12 (ii) all veterinary costs;

13 (iii) shelter costs, which may not exceed \$15 per  
14 day per dog; and

15 (iv) court costs.

16 \* \* \*

17 Section 2. This act shall take effect immediately.