
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **816** Session of
2017

INTRODUCED BY DINNIMAN, KILLION, RAFFERTY, COSTA, VULAKOVICH AND
BROWNE, JULY 6, 2017

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, JULY 6, 2017

AN ACT

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

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

19 Section 1. Section 502-A(a)(2) of the act of December 7,
20 1982 (P.L.784, No.225), known as the Dog Law, is amended to
21 read:

22 Section 502-A. Court proceedings, certificate of registration
23 and disposition.

24 (a) Summary offense of harboring a dangerous dog.--Any

1 person who has been attacked by one or more dogs, or anyone on
2 behalf of the person, a person whose domestic animal, dog or cat
3 has been killed or injured without provocation, the State dog
4 warden or the local police officer may file a complaint before a
5 magisterial district judge, charging the owner or keeper of the
6 a dog with harboring a dangerous dog. The owner or keeper of the
7 dog shall be guilty of the summary offense of harboring a
8 dangerous dog if the magisterial district judge finds beyond a
9 reasonable doubt that the following elements of the offense have
10 been proven:

11 * * *

12 (2) The dog has either or both of the following:

13 (i) A history of attacking human beings and/or
14 domestic animals, dogs or cats without provocation. Two
15 or more determinations under Article V-B that the dog is
16 a muzzled dog shall satisfy the requirement under this
17 subparagraph.

18 (ii) A propensity to attack human beings and/or
19 domestic animals, dogs or cats without provocation. A
20 propensity to attack may be proven by a single incident
21 of the conduct described in paragraph (1) (i), (ii), (iii)
22 or (iv).

23 * * *

24 Section 2. The act is amended by adding an article to read:

25 ARTICLE V-B

26 MUZZLED DOGS

27 Section 501-B. Court proceedings and disposition.

28 (a) Summary offense of harboring a muzzled dog.--Any person
29 who has been attacked by one or more dogs on public or private
30 property, or anyone on behalf of the person, a person whose dog

1 or cat has been killed or injured without provocation, the State
2 dog warden or a local police officer may file a complaint before
3 a magisterial district judge charging the owner or keeper of the
4 dog or dogs with harboring a muzzled dog. The owner or keeper of
5 the dog or dogs shall be guilty of the summary offense of
6 harboring a muzzled dog if the magisterial district judge finds
7 beyond a reasonable doubt that the following elements of the
8 offense have been proven:

9 (1) The dog has done any of the following:

10 (i) Killed or inflicted severe injury on a human
11 being without provocation on public or private property.

12 (ii) Killed or inflicted severe injury on a dog or
13 cat without provocation while off of the owner's or
14 keeper's property.

15 (2) The defendant is the owner or keeper of the dog.

16 (b) Effect of conviction.--A finding by a magisterial
17 district judge that a person is guilty under subsection (a) of
18 harboring a muzzled dog shall constitute a determination that
19 the dog is a muzzled dog for the purposes of this act.

20 (c) Report of conviction.--The magisterial district judge
21 shall make a report of a conviction under subsection (a) to the
22 Bureau of Dog Law Enforcement, identifying the convicted party,
23 identifying and describing the dog or dogs and providing other
24 information as the bureau might reasonably require.

25 Section 502-B. Requirements.

26 (a) Compliance requirements.--The owner or keeper of a dog
27 who has been convicted of harboring a muzzled dog shall do all
28 of the following:

29 (1) Present sufficient evidence of a proper enclosure to
30 confine a muzzled dog.

1 (2) When individuals who are not members of the owner's
2 or keeper's household are present as invitees on the premises
3 or in the dwelling of the owner or keeper of the muzzled dog,
4 either:

5 (i) confine the muzzled dog in the proper enclosure;

6 or

7 (ii) muzzle the muzzled dog and keep the dog under
8 the physical restraint of a responsible person.

9 (3) While the muzzled dog is on public property or on
10 private property that is not the owner's or keeper's
11 property, muzzle the muzzled dog and keep the dog under the
12 physical restraint of a responsible person.

13 (4) Post the premises with a clearly visible warning
14 sign that there is a muzzled dog on the property.

15 (5) Conspicuously display a sign with a warning symbol
16 that informs children of the presence of a muzzled dog.

17 (6) Pay court-ordered restitution to a victim of a
18 muzzled dog.

19 (b) Uniform identifiable symbol.--The department shall have
20 the authority to establish a uniform identifiable symbol for
21 visual recognition of muzzled dogs.

22 (c) Other requirement.--A new owner or keeper of the muzzled
23 dog shall be required to comply with the provisions of this
24 article and regulations pertaining to a muzzled dog.
25 Section 503-B. Control of muzzled dogs.

26 (a) Prohibitions.--It is unlawful for an owner or keeper of
27 a muzzled dog to permit the muzzled dog to be:

28 (1) Outside the proper enclosure while individuals who
29 are not members of the owner's or keeper's household are
30 present as an invitees on the premises or in the dwelling of

1 the owner or keeper unless the dog is muzzled and under the
2 physical restraint of a responsible person.

3 (2) On public property or on private property that is
4 not the owner's or keeper's premises or dwelling unless the
5 dog is muzzled and under the physical restraint of a
6 responsible person.

7 (b) Requirement.--The muzzle shall be made in a manner that
8 will not cause injury to the dog nor interfere with its vision
9 or respiration but shall prevent it from biting a person or
10 animal or from destroying property with its teeth.

11 Section 504-B. Public safety and penalties.

12 (a) Failure to restrain.--The owner or keeper of a muzzled
13 dog who fails to comply with the provisions of section 502-B and
14 section 503-B commits a misdemeanor of the third degree.

15 (b) Subsequent violations.--The owner or keeper of a muzzled
16 dog who commits a subsequent violation under subsection (a)
17 commits a misdemeanor of the second degree and, upon conviction,
18 shall pay a fine not to exceed \$2,500.

19 (c) Utilization of fines.--All fines collected under this
20 section shall be deposited into the Dog Law Restricted Account
21 and may be utilized to pay the expenses of the department in
22 administering its duties under this act.

23 (d) Collection.--In cases of inability to collect the fine
24 assessed or failure of an owner or keeper to pay all or a
25 portion of the fine, the secretary may refer the matter to the
26 Office of Attorney General, which shall institute an action in
27 the appropriate court to recover the fine.

28 (e) Attacks by a muzzled dog.--

29 (1) If a muzzled dog, through the intentional, reckless
30 or negligent conduct of the dog's owner or keeper, attacks a

1 human being on the dog owner's or keeper's property, the
2 dog's owner or keeper shall be guilty of a misdemeanor of the
3 second degree.

4 (2) If a muzzled dog, through the intentional, reckless
5 or negligent conduct of the dog's owner or keeper,
6 aggressively attacks and causes severe injury or death of a
7 human being on the dog owner's or keeper's property, the dog
8 owner or keeper shall be guilty of a misdemeanor of the first
9 degree.

10 (f) Mandatory reporting.--

11 (1) All known incidents of dog attacks shall be reported
12 to the county's State dog warden, who shall investigate each
13 incident and notify the department if a dog has been
14 determined to be a muzzled dog.

15 (2) A State dog warden or police officer who has
16 knowledge of a dog which has attacked a person shall file a
17 written report summarizing the circumstances of the attack
18 with the police in the municipality where the owner of the
19 dog resides or if the attack occurred outside the owner's
20 municipality of residence, with the police having
21 jurisdiction in the municipality where the attack occurred.
22 The report shall be available for public inspection.

23 Section 505-B. Construction of article.

24 (a) Enforcement.--This article shall be enforced by all
25 municipalities, except counties.

26 (b) Abusive or unlawful conduct of victim.--This article
27 shall not apply if the injury was sustained by a person who, at
28 the time, was committing a willful trespass or other tort upon
29 the premises occupied by the owner or keeper of the dog, or was
30 tormenting, abusing or assaulting the dog or has, in the past,

1 been observed or reported to have tormented, abused or assaulted
2 the dog, or was committing or attempting to commit a crime.

3 (c) Farm dogs.--No farmer who owns a dog kept on the farm
4 shall be guilty of keeping a muzzled dog if the farm is
5 conspicuously posted alerting visitors to the presence of a
6 watch or guard dog at all points of ingress and egress.

7 (d) Procedure in certain cities.--In cities of the first
8 class, second class and second class A, the following procedure
9 shall apply:

10 (1) A person who has been attacked without provocation
11 by a dog on the dog owner's or keeper's property, or anyone
12 on behalf of the person or a police officer or an animal
13 control officer employed by or under contract with the city
14 may make a complaint before a magisterial district judge,
15 charging the owner or keeper of the dog with harboring a
16 muzzled dog. The magisterial district judge shall make a
17 report of the determination under section 501-B(a) to the
18 police or an animal control officer employed by or under
19 contract with the city and to the Bureau of Dog Law
20 Enforcement.

21 (2) Enforcement of this article in cities of the first
22 class, second class and second class A will be under the
23 jurisdiction of the local police or an animal control officer
24 employed by or under contract with the city.

25 (3) Copies of all muzzled dog determinations and reports
26 on the status of the muzzled dog shall be sent to the Bureau
27 of Dog Law Enforcement.

28 (4) All known incidents of attacks by muzzled dogs shall
29 be reported to the department for the purpose of keeping bite
30 statistic and possible rabies exposure records.

1 Section 3. This act shall take effect in 60 days.