AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for cruelty to animals.

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

Section 1. Section 5511(h) and (h.1) of Title 18 of the Pennsylvania Consolidated Statutes are amended and the section is amended by adding a subsection to read:

§ 5511. Cruelty to animals.

* * *

(h) [Cropping ears of dog] Specific violations; prima facie evidence of violation.--

(1) (i) A person commits a summary offense if he crops or cuts off, or causes or procures to be cropped or cut off, the whole[,] or part of the ear or ears of a dog or shows or exhibits or procures the showing or exhibition
of any dog whose ear is or ears are cropped or cut off, in whole or in part, unless the person showing [such] the dog has in his possession either a certificate of veterinarian stating that [such] the cropping was done by the veterinarian or a certificate of registration from a county treasurer[,] showing that [such] the dog was cut or cropped before this section became effective.

(ii) The provisions of this section shall not prevent a veterinarian from cutting or cropping the whole or part of the ear or ears of a dog when [such] the dog is anesthetized[,] and shall not prevent any person from causing or procuring [such] the cutting or cropping of a dog's ear or ears by a veterinarian.

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

The owner of any dog whose ear or ears have been cut off or cropped before this section became effective may, if a resident of this Commonwealth, register such dog with the treasurer of the county where he resides, and if a nonresident of this Commonwealth, with the treasurer of any county of this Commonwealth, by certifying, under oath, that the ear or ears of such dog were cut or cropped before this section became effective, and the payment of a fee of $1 into the county treasury. The said treasurer shall thereupon issue to such
person a certificate showing such dog to be a lawfully cropped
dog.]

(2) (i) A person commits a summary offense if the
person debarks a dog by cutting, causing or procuring the
cutting of its vocal cords or by altering, causing or
procuring the alteration of any part of its resonance
chamber.

(ii) The provisions of this paragraph shall not
prevent a veterinarian from cutting the vocal cords or
otherwise altering the resonance chamber of a dog when
the dog is anesthetized and shall not prevent a person
from causing or procuring a debarking procedure by a
veterinarian.

(iii) The possession by a person of a dog with the
vocal cords cut or the resonance chamber otherwise
altered and with the wound resulting therefrom unhealed
shall be prima facie evidence of a violation of this
paragraph by the person, except as provided in this
paragraph.

(iv) A person who procures the cutting of vocal
cords or the alteration of the resonance chamber of a dog
shall record the procedure.

(3) (i) A person commits a summary offense if the
person docks, cuts off, causes or procures the docking or
cutting off of the tail of a dog over five days old.

(ii) The provisions of this paragraph shall not
prevent a veterinarian from docking, cutting or cropping
the whole or part of the tail of a dog when the dog is at
least 12 weeks of age and the procedure is performed
using general anesthesia and shall not prevent a person
from causing or procuring the cutting or docking of a
tail of a dog by a veterinarian as provided in this
paragraph.

(iii) The possession by a person of a dog with a
tail cut off or docked and with the wound resulting
therefrom unhealed shall be prima facie evidence of a
violation of this paragraph by the person, except as
provided in this paragraph.

(iv) A person who procures the cutting off or
docking of a tail of a dog shall record the procedure and
keep the record.

(4) (i) A person commits a summary offense if the
person surgically births or causes or procures a surgical
birth.

(ii) The provisions of this section shall not
prevent a veterinarian from surgically birthing a dog
when the dog is anesthetized and shall not prevent any
person from causing or procuring the birthing by a
veterinarian.

(iii) The possession by a person of a dog with a
wound resulting from a surgical birth unhealed shall be
prima facie evidence of a violation of this paragraph by
the person, except as provided in this paragraph.

(iv) A person who procures the surgical birth of a
dog shall record the procedure and keep the record.

(v) This paragraph shall not apply to personnel
required to comply with standards to minimize pain to an
animal set forth in section 2143(a)(3) of the Animal
Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.),
trained in accordance with section 2143(d) of the Animal
Welfare Act, who work in a federally registered research facility required to comply with the Animal Welfare Act under the guidance or oversight of a veterinarian.

(5) (i) A person commits a summary offense if the person cuts off or causes or procures the cutting off of the dewclaw of a dog over five days old.

(ii) The provisions of this paragraph shall not prevent a veterinarian from cutting the dewclaw and shall not prevent a person from causing or procuring the procedure by a veterinarian.

(iii) The possession by a person of a dog with the dewclaw cut off and with the wound resulting therefrom unhealed shall be prima facie evidence of a violation of this paragraph by the person, except as provided in this paragraph and keep the record.

(iv) A person who procures the cutting off of the dewclaw of a dog shall record the procedure and keep the record.

(h.1) Animal fighting.--A person commits a felony of the third degree if he:

(1) for amusement or gain, causes, allows or permits any animal to engage in animal fighting;

(2) receives compensation for the admission of another person to any place kept or used for animal fighting;

(3) owns, possesses, keeps, trains, promotes, purchases, steals or acquires in any manner or knowingly sells any animal for animal fighting;

(4) in any way knowingly encourages, aids or assists therein;

(5) wagers on the outcome of an animal fight;
(6) pays for admission to an animal fight or attends an
animal fight as a spectator; or
(7) knowingly permits any place under his control or
possession to be kept or used for animal fighting.
This subsection shall not apply to activity undertaken in a
normal agricultural operation.

* * *

(o.2) Limited authority to enforce summary offenses in
certain counties.--

(1) A State dog warden who has authority under section
901(a) of the act of December 7, 1982 (P.L.784, No.225),
known as the Dog Law, shall have authority to enforce this
section in a county in which there is no humane society
police officer appointed under 22 Pa.C.S. Ch. 37 (relating to
humane society police officers). Authority provided under
this subsection may only be exercised in the enforcement of
summary offenses particular to acts or omissions on dogs in
the operation of an establishment licensed or required to be
licensed as a kennel under the Dog Law.

(2) A State dog warden shall have no enforcement
authority under this subsection unless the warden has
successfully completed all of the minimum requirements for
initial training and additional training under 22 Pa.C.S. §§
3712 (relating to training program) and 3713 (relating to
continuing education program).

(3) A State dog warden shall have no authority under
this subsection to seize any dog except pursuant to the
search of a kennel premises for which a search warrant has
been issued in accordance with the applicable provisions of
the Pennsylvania Rules of Criminal Procedure. A State dog
warden shall not file, obtain or execute any search warrant
unless the warden has complied with the requirements for
prior approval under 22 Pa.C.S. § 3710 (relating to search
warrants). The authority of a dog warden to obtain or execute
search warrants or to seize dogs under this section shall not
exceed the authority under subsection (l).

(4) This subsection shall not be construed as modifying,
rescinding or superseding any authority of State dog wardens
under the Dog Law.

* * *

Section 2. This act shall take effect as follows:

(1) The amendment of 18 Pa.C.S. § 5511(h.1) shall take
effect in 60 days.

(2) The remainder of this act shall take effect
immediately.