THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL
No. 320 Session of 2013

INTRODUCED BY FARNESE, STACK, ERICKSON, RAFFERTY, HUGHES, TEPLITZ, BREWSTER, BOSCOLA, SOLOBAY, COSTA, WARD AND SMITH, JANUARY 25, 2013

REFERRED TO JUDICIARY, JANUARY 25, 2013

AN ACT

Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in falsification and intimidation, providing for the offenses of failure to comply with animal abuse registration requirements and of illegal use of animal abuse registry information; and, in sentencing, providing for animal abuse registry; and establishing the Animal Abuse Registry Fund.

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

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding sections to read:

§ 4916. Failure to comply with animal abuse registration requirements.

(a) Offense defined.—An individual who is subject to registration under 42 Pa.C.S. § 9778(a) (relating to animal abuse registry) commits an offense if he knowingly fails to:

(1) register or reregister with the county sheriff as required under 42 Pa.C.S. § 9778(a); or

(2) provide accurate information when registering under...
42 Pa.C.S. § 9778.

(b) Grading.--

(1) Except as set forth in paragraph (2), an individual subject to registration under 42 Pa.C.S. § 9778(a) who commits a violation of subsection (a)(1) or (2) or a similar offense commits a felony of the third degree.

(2) An individual subject to registration under 42 Pa.C.S. § 9778(a) who commits a violation of subsection (a) (1) or (2) and who has previously been convicted of an offense under subsection (a)(1) or (2) or a similar offense commits a felony of the second degree.

§ 7518. Illegal use of animal abuse registry information.

(a) Offense defined.--Any individual who uses information obtained from the local animal abuse registry or the central animal abuse registry established under 42 Pa.C.S. § 9778 (relating to animal abuse registry) to commit an offense under this title commits an offense under this section.

(b) Grading.--

(1) An individual who commits a violation of subsection (a) commits a misdemeanor of the third degree.

(2) An individual who commits a second or subsequent violation of subsection (a) commits a misdemeanor of the second degree.

Section 2. Title 42 is amended by adding a section to read:

§ 9778. Animal abuse registry.

(a) Registration required.--

(1) The following individuals shall be required to register with the county sheriff for the county in which the individual is located for ten years following the conviction:

(i) Individuals convicted of any of the following
1 offenses:
   
   (A) 18 Pa.C.S. § 5511(a) (relating to cruelty to animals).

   (B) a second or subsequent conviction under 18 Pa.C.S. § 5511(c).

   (C) 18 Pa.C.S. § 5511(h.1).

   (D) 18 Pa.C.S. § 5511.2 (relating to police animals).

   (E) 18 Pa.C.S. § 5511.3 (relating to assault with a biological agent on animal, fowl or honey bees).

   (F) Any other felony violation of a law protecting animal welfare.

   (ii) Individuals convicted of an attempt to commit any of the offenses listed in paragraph (1)(i) or (2).

   (iii) Individuals currently residing in this Commonwealth who have been convicted of offenses similar to the crimes cited in subparagraphs (i) and (ii), under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation.

   (2) An individual with two or more convictions of any of the offenses set forth in this subsection shall be subject to lifetime registration.

   (3) (i) An offender or repeat offender, following release from incarceration, upon parole from a correctional institution or upon commencement of immediate punishment or probation that results from a conviction for an offense listed under subsection (a)(1)(i), and who is located within the boundaries of this

20130SB0320PN0231 - 3 -
Commonwealth for more than ten consecutive days, shall register with the county sheriff for the county in which the offender or repeat offender is located before the end of the 11th day.

(ii) An offender or repeat offender who is currently registered in the county of the offender's previous location within this Commonwealth shall reregister with the county sheriff for the county in which the offender or repeat offender is now located no later than ten days after moving to the new location in this Commonwealth.

(4) (i) Following the initial registration under this section, an offender shall annually renew the registration with the county sheriff prior to December 31 of each subsequent calendar year for a period of ten years.

(ii) Following the initial registration under this section, a repeat offender shall annually renew the registration with the county sheriff prior to December 31 of each subsequent calendar year.

(b) Information required.--

(1) The offender or repeat offender shall provide the county sheriff with the following information:

(i) Legal name and any other names or aliases that the offender or repeat offender uses or has used.

(ii) Date of birth.

(iii) Social Security number.

(iv) Current address or location.

(v) Place of employment.

(vi) The offense the offender or repeat offender was convicted of and the date and location of the offense.
(vii) The county or counties in this Commonwealth where the offender or repeat offender is registered under this section.

(2) The county sheriff shall obtain the following from the offender or repeat offender:

(i) A photograph of the offender or repeat offender and a complete set of the offender's or repeat offender's fingerprints.

(ii) A description of any tattoos, scars or other distinguishing features on the offender's or repeat offender's body that would assist in identifying the offender or repeat offender.

(3) For registration renewal, the offender or repeat offender shall provide updated information for the required information contained in paragraphs (1) and (2).

(c) Fees.--

(1) In addition to any fines, fees or penalties levied or imposed as provided by law, each offender and repeat offender shall pay an annual registration fee of $50 when registering with the county sheriff.

(2) The county sheriff shall remit the fees collected under paragraph (1) to the State Treasurer for deposit into the fund.

(d) Central and local registries.--

(1) The county sheriff shall establish and maintain a local registry of offenders and repeat offenders in the sheriff's jurisdiction to be known as the local animal abuse registry. The sheriff shall be responsible for the following:

(i) Forwarding all registration information to the Pennsylvania State Police.
Within ten days of receipt of an initial registration from an offender or repeat offender for the offender's or repeat offender's current place of residence, the county sheriff shall contact every residence, school, humane society, animal shelter and any other business within a half-mile radius of the offender's or repeat offender's residence or location and provide them with the registration information of the offender or repeat offender except for the Social Security number.

The Pennsylvania State Police shall establish and maintain a central registry of offenders and repeat offenders required to register under this section to be known as the central animal abuse registry. Information contained in the central animal abuse registry of offender's and repeat offenders shall be made available to the public through the Internet and telephone, by written access and in person. All of the information contained in an offender's or repeat offender's registration, with the exception of the Social Security number or any other information protected by law, shall be made available to the public. Records of each registration shall be maintained for the ten-year period that an offender is required to be registered. Records of each registration shall be maintained during the period that a repeat offender is required to be registered.

It is hereby declared to be the finding of the General Assembly that the health and safety of animals that are at risk of abuse will be enhanced by making information about offenders and repeat offenders available to the public through the Internet and
telephone, by written access and in person. Knowledge of
whether a certain person is an offender or repeat
offender can be a significant factor in protecting pets
and animals from recidivist acts by offenders and repeat
offenders. The technology afforded by the Internet would
make this information readily accessible to the public
enabling them to undertake appropriate remedial
precautions. Public access to information about offenders
and repeat offenders is intended solely as a means of
protection for the pets and animals of the public that
are at risk of abuse and shall not be construed as
punitive.

(ii) An individual is authorized to use the
information contained in the central animal abuse
registry and the local animal abuse registry for
protecting animals at risk of abuse.

(e) Sentencing court information.--The sentencing court
shall inform offenders and repeat offenders at the time of
sentencing of the provisions of this section. The court shall:

(1) Specifically inform the offender or repeat offender
of the duty to register and provide the information required
for registration.

(2) Specifically inform the offender or repeat offender
of the duty to inform the county sheriff within ten days if
the offender or repeat offender does the following:

   (i) changes residence or establishes an additional
residence or residences;

   (ii) changes employer or employment location for a
period of time that exceeds 14 days or for an aggregate
period of time that will exceed 30 days during any
calendar year or terminates employment; or

(iii) changes institution or location at which the
offender or repeat offender is enrolled as a student or
terminates enrollment.

(3) Specifically inform the offender or repeat offender
of the duty to register with a new law enforcement agency if
the offender or repeat offender moves to another state no
later than ten days after establishing residence in another
state and if the state requires such registration.

(4) Specifically inform the offender or repeat offender
of the duty to register with the appropriate authorities in
any state in which the offender or repeat offender is
employed, carries on a vocation or is a student if the state
requires such registration.

(5) Require the offender or repeat offender to read and
sign a form stating that the duty to register under this
section has been provided in writing and has been explained.
Where the offender or repeat offender is incapable of
reading, the court shall certify the duty to register was
explained to the offender or repeat offender and the offender
or repeat offender indicated an understanding of the duty.

(f) Animal Abuse Registry Fund.--

(1) The Animal Abuse Registry Fund is established in the
State Treasury as a restricted account and shall be used
exclusively for funding the administration of this section by
county sheriffs and the Pennsylvania State Police.

(2) Up to 65% of the moneys in the fund shall be payable
to a county to fund the county sheriff's establishment and
administration of the local animal abuse registry pursuant to
subsection (d)(1).
(3) Up to 35% of the moneys in the fund shall be payable to the Pennsylvania State Police to fund its establishment and administration of the central animal abuse registry pursuant to subsection (d)(2).

(g) Immunity for good faith conduct.--The following entities shall be immune from liability for good faith conduct under this section:

(1) The Pennsylvania State Police and local law enforcement agencies and employees of law enforcement agencies.

(2) Sheriffs, deputy sheriffs and employees of the office of sheriff of a county.

(3) District attorneys and their agents and employees.

(4) The Pennsylvania Department of Corrections and its agents and employees.

(5) County correctional facilities and their agents and employees.

(h) Photographs and fingerprinting.--An individual subject to subsection (a)(1) or (2) shall submit to photographing and fingerprinting as required by this section at locations designated by the county sheriff. Fingerprinting as required by this section shall, at a minimum, require submission of a full set of fingerprints. Photographing as required by this section shall, at a minimum, require submission to photographs of the face and any tattoos, scars or other distinguishing features on the offender's or repeat offender's body that would assist in identifying the individual. Fingerprints and photographs obtained under this section may be maintained for use under this section and for general law enforcement purposes.

(i) Civil liability for information misuse.--When an
individual or a group of individuals is engaged in a pattern or practice of misuse of information in violation of subsection (d)(3) that was obtained from the central animal abuse registry or local animal abuse registry, or both, any individual aggrieved by the misuse may, in any court of competent jurisdiction, obtain appropriate relief, including injunctive relief.

(j) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Correctional institution." A State correctional institution or local correctional facility located in this Commonwealth or an equivalent correctional institution owned or operated by the United States or one of its territories, another state, the Commonwealth of Puerto Rico or a foreign nation.

"County correctional institution." The term shall have the meaning given to it in 61 Pa.C.S. § 102 (relating to definitions).

"Fund." The Animal Abuse Registry Fund established under this section.

"Local law enforcement agency." A police department of a city, borough, incorporated town or township.

"Offender." An individual required to register under subsection (a)(1).

"Repeat offender." An individual required to register under subsection (a)(2).

"State correctional institution." The term shall have the meaning given to it in 61 Pa.C.S. § 102 (relating to definitions).

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