

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1420 Session of
1993

INTRODUCED BY NAILOR, RAYMOND, HECKLER, LAUB, GORDNER,
FAIRCHILD, MELIO, LAUGHLIN, TRELLO, MARSICO, MICHLOVIC,
BAKER, B. SMITH, GIGLIOTTI, HENNESSEY, BOYES, LYNCH, MILLER,
SCRIMENTI, NYCE, E. Z. TAYLOR, COY, LaGROTTA, RITTER,
MASLAND, BUSH, D. W. SNYDER, KING, JOSEPHS, STEELMAN,
SAURMAN, HARLEY, GEIST, EGOLF, GERLACH, TANGRETTI, FLEAGLE,
CLARK, MURPHY, OLIVER, ADOLPH, ALLEN, DEMPSEY, LUCYK, KAISER,
STABACK, ROONEY, KUKOVICH, M. COHEN, J. TAYLOR, VEON,
PICCOLA, BUXTON, KREBS, FARGO, BELARDI, MICOZZIE,
M. N. WRIGHT, CIVERA, DENT AND VANCE, APRIL 27, 1993

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 24, 1993

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, FURTHER PROVIDING FOR CRUELTY TO <—
3 ANIMALS; AND prohibiting the offering of live animals as
4 prizes.

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

7 ~~Section 1. Title 18 of the Pennsylvania Consolidated~~ <—
8 ~~Statutes is amended by adding a section to read:~~

9 SECTION 1. SECTION 5511(J) OF TITLE 18 OF THE PENNSYLVANIA <—
10 CONSOLIDATED STATUTES IS AMENDED TO READ:

11 § 5511. CRUELTY TO ANIMALS.

12 * * *

13 (J) SEIZURE OF ANIMALS KEPT OR USED FOR ANIMAL FIGHTING.--

14 ANY POLICE OFFICER OR AGENT OF A SOCIETY OR ASSOCIATION FOR THE

1 PREVENTION OF CRUELTY TO ANIMALS INCORPORATED UNDER THE LAWS OF
2 THIS COMMONWEALTH, SHALL HAVE POWER TO SEIZE ANY ANIMAL KEPT,
3 USED, OR INTENDED TO BE USED FOR ANIMAL FIGHTING. WHEN THE
4 SEIZURE IS MADE, THE ANIMAL OR ANIMALS SO SEIZED SHALL NOT BE
5 DEEMED ABSOLUTELY FORFEITED, BUT SHALL BE HELD BY THE OFFICER OR
6 AGENT SEIZING THE SAME UNTIL A CONVICTION OF SOME PERSON IS
7 FIRST OBTAINED FOR A VIOLATION OF SUBSECTION (H.1). THE OFFICER
8 OR AGENT MAKING SUCH SEIZURE SHALL MAKE DUE RETURN TO THE
9 [JUSTICE OF THE PEACE BEFORE WHOM THE COMPLAINT IS HEARD]
10 ISSUING AUTHORITY, OF THE NUMBER AND KIND OF ANIMALS OR
11 CREATURES SO SEIZED BY HIM[, AND IT SHALL BE THE DUTY OF THE
12 JUSTICE OF THE PEACE HEARING THE COMPLAINT, IN CASE OF A
13 CONVICTION, TO MAKE THE FORFEITURE OF SUCH ANIMALS OR CREATURES
14 SEIZED A PART OF THE SENTENCE]. WHERE AN ANIMAL IS THUS SEIZED,
15 THE POLICE OFFICER OR AGENT IS AUTHORIZED TO PROVIDE SUCH CARE
16 AS IS REASONABLY NECESSARY, AND WHERE ANY ANIMAL THUS SEIZED IS
17 FOUND TO BE DISABLED, INJURED OR DISEASED BEYOND REASONABLE HOPE
18 OF RECOVERY, THE POLICE OFFICER OR AGENT IS AUTHORIZED TO
19 PROVIDE FOR THE HUMANE DESTRUCTION OF THE ANIMAL. [THE COST OF
20 THE KEEPING, CARE AND DESTRUCTION OF THE ANIMAL SHALL BE PAID BY
21 THE OWNER THEREOF.] IN ADDITION TO ANY OTHER PENALTY PROVIDED BY
22 LAW, THE AUTHORITY IMPOSING SENTENCE UPON A CONVICTION FOR ANY
23 VIOLATION OF SUBSECTION (H.1) SHALL ORDER THE FORFEITURE OR
24 SURRENDER OF ANY ABUSED, NEGLECTED OR DEPRIVED ANIMAL OF THE
25 DEFENDANT TO ANY SOCIETY OR ASSOCIATION FOR THE PREVENTION OF
26 CRUELTY TO ANIMALS DULY INCORPORATED UNDER THE LAWS OF THIS
27 COMMONWEALTH AND SHALL REQUIRE THAT THE OWNER PAY THE COST OF
28 THE KEEPING, CARE AND DESTRUCTION OF THE ANIMAL.

29 * * *

30 SECTION 2. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:

1 § 5511.1. Live animals as prizes prohibited.

2 (a) General rule.--No person shall give or offer to give
3 away any live animal, except fish, as a prize in any drawing,
4 lottery, contest, sweepstakes or other game.

5 (b) Exception.--

6 (1) This section shall not apply to any domestic animal
7 given away in connection with any agricultural, educational
8 or vocational program sponsored or sanctioned by the
9 Department of Agriculture.

10 (2) The Department of Agriculture shall promulgate the
11 rules and regulations necessary to provide the conditions and
12 requirements of live animal offerings under this subsection.

13 (c) Penalty.--A violation of this section constitutes a
14 summary offense punishable by a fine of not more than \$250.

15 Section 2 3. This act shall take effect in 60 days.

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