

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2445 Session of
2002

INTRODUCED BY BROOKS, BUNT, ALLEN, ARGALL, BARD, BASTIAN,
BELARDI, BELFANTI, BROWNE, CAPPELLI, CASORIO, CLYMER,
L. I. COHEN, DALEY, DALLY, DIGIROLAMO, DIVEN, FREEMAN, GEIST,
HARHAI, HARPER, HENNESSEY, HERMAN, HORSEY, KAISER, KENNEY,
LEH, LEWIS, MARKOSEK, MCGEEHAN, R. MILLER, NAILOR, PHILLIPS,
PIPPY, PISTELLA, READSHAW, ROSS, RUBLEY, SATHER, SAYLOR,
SCHRODER, SEMMEL, SHANER, STABACK, STEELMAN, STEIL, STERN,
R. STEVENSON, E. Z. TAYLOR, J. TAYLOR, TIGUE, TRICH, WATERS,
WATSON, YOUNGBLOOD, BEBKO-JONES AND WILT, MARCH 25, 2002

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 25, 2002

AN ACT

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

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

6 Section 1. Section 5511(a) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 5511. Cruelty to animals.

9 (a) Killing, maiming or poisoning domestic animals or zoo
10 animals, etc.--

11 (1) A person commits a misdemeanor of the second degree
12 if he willfully and maliciously:

13 (i) Kills, maims or disfigures any domestic animal
14 of another person or any domestic fowl of another person.

15 (ii) Administers poison to or exposes any poisonous

1 substance with the intent to administer such poison to
2 any domestic animal of another person or domestic fowl of
3 another person.

4 (iii) Harasses, annoys, injures, attempts to injure,
5 molests or interferes with a dog guide for an individual
6 who is blind, a hearing dog for an individual who is deaf
7 or audibly impaired or a service dog for an individual
8 who is physically limited.

9 Any person convicted of violating the provisions of this
10 paragraph shall be sentenced to pay a fine of not less than
11 \$500.

12 (2) A person commits a felony of the third degree if he
13 willfully and maliciously:

14 (i) Kills, maims or disfigures any zoo animal in
15 captivity.

16 (ii) Administers poison to or exposes any poisonous
17 substance with the intent to administer such poison to
18 any zoo animal in captivity.

19 (iii) Kills, maims or disfigures a dog guide for an
20 individual who is blind, a hearing dog for an individual
21 who is deaf or audibly impaired or a service dog for an
22 individual who is physically limited, whether belonging
23 to the individual or otherwise.

24 (2.1) (i) A person commits a misdemeanor of the first
25 degree if he willfully and maliciously:

26 (A) Kills, maims, mutilates, tortures or
27 disfigures any dog or cat, whether belonging to
28 himself or otherwise.

29 (B) Administers poison to or exposes any
30 poisonous substance with the intent to administer

1 such poison to any dog or cat, whether belonging to
2 himself or otherwise.

3 (ii) Any person convicted of violating the
4 provisions of this paragraph shall be sentenced to pay a
5 fine of not less than \$1,000 or to imprisonment for not
6 more than two years, or both. The court may also order a
7 presentence mental evaluation. A subsequent conviction
8 under this paragraph shall be a felony of the third
9 degree. This paragraph shall apply to dogs and cats only.

10 (iii) The killing of a dog or cat by the owner of
11 that animal is not malicious if it is accomplished in
12 accordance with the act of December 22, 1983 (P.L.303,
13 No.83), referred to as the Animal Destruction Method
14 Authorization Law.

15 (3) This subsection shall not apply to:

16 (i) the killing of any animal taken or found in the
17 act of actually destroying any domestic animal or
18 domestic fowl;

19 (ii) the killing of any animal or fowl pursuant to
20 the act of June 3, 1937 (P.L.1225, No.316), known as The
21 Game Law, or 34 Pa.C.S. §§ 2384 (relating to declaring
22 dogs public nuisances) and 2385 (relating to destruction
23 of dogs declared public nuisances), or the regulations
24 promulgated thereunder; or

25 (iii) such reasonable activity as may be undertaken
26 in connection with vermin control or pest control.

27 * * *

28 Section 2. This act shall take effect in 60 days.