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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 709 Session of  
2003

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INTRODUCED BY DiGIROLAMO, ALLEN, BARD, BEBKO-JONES, BELARDI,  
BROWNE, BUXTON, CASORIO, CAUSER, CAWLEY, CIVERA, CORNELL,  
CORRIGAN, CRAHALLA, DALLY, DeLUCA, DONATUCCI, J. EVANS,  
FREEMAN, GEIST, GOODMAN, HARHAI, HARRIS, HASAY, HORSEY,  
KELLER, KENNEY, KOTIK, LaGROTTA, LEACH, MARKOSEK, McNAUGHTON,  
NAILOR, O'NEILL, PAYNE, PHILLIPS, RAYMOND, READSHAW, ROONEY,  
RUBLEY, RUFFING, SAINATO, SATHER, SCAVELLO, SCHRODER,  
STABACK, TANGRETTI, TRUE, WATSON, WEBER, WILT, J. TAYLOR,  
REICHLEY, E. Z. TAYLOR, HARHART, WALKO, COSTA, HANNA, REED,  
CRUZ AND COY, MARCH 6, 2003

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SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,  
SEPTEMBER 30, 2003

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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)(2.1)(ii) of Title 18 of the~~ <—  
7 ~~Pennsylvania Consolidated Statutes, amended December 9, 2002~~  
8 ~~(P.L.1439, No.183), is amended and the section is amended by~~  
9 ~~adding subsections to read:~~

10 SECTION 1. SECTION 5511(C) OF TITLE 18 OF THE PENNSYLVANIA <—  
11 CONSOLIDATED STATUTES IS AMENDED AND THE SECTION IS AMENDED BY  
12 ADDING A SUBSECTION TO READ:

13 § 5511. Cruelty to animals.

1     ~~(a) Killing, maiming or poisoning domestic animals or zoo~~     <—  
2     ~~animals, etc.—~~

3             \* \* \*

4             ~~(2.1) \* \* \*~~

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

13            \* \* \*

14     \* \* \*     <—

15     (C) CRUELTY TO ANIMALS.--

16            (1) A PERSON COMMITS [A SUMMARY] AN OFFENSE IF HE  
17     WANTONLY OR CRUELLY ILLTREATS, OVERLOADS, BEATS, OTHERWISE  
18     ABUSES ANY ANIMAL, OR NEGLECTS ANY ANIMAL AS TO WHICH HE HAS  
19     A DUTY OF CARE, WHETHER BELONGING TO HIMSELF OR OTHERWISE, OR  
20     ABANDONS ANY ANIMAL, OR DEPRIVES ANY ANIMAL OF NECESSARY  
21     SUSTENANCE, DRINK, SHELTER OR VETERINARY CARE, OR ACCESS TO  
22     CLEAN AND SANITARY SHELTER WHICH WILL PROTECT THE ANIMAL  
23     AGAINST INCLEMENT WEATHER AND PRESERVE THE ANIMAL'S BODY HEAT  
24     AND KEEP IT DRY.

25            (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II), A  
26            PERSON CONVICTED OF VIOLATING PARAGRAPH (1) COMMITS A  
27            SUMMARY OFFENSE.

28            (II) A PERSON CONVICTED FOR A SECOND OR SUBSEQUENT  
29            TIME OF VIOLATING PARAGRAPH (1) COMMITS A MISDEMEANOR OF  
30            THE THIRD DEGREE IF ALL OF THE FOLLOWING OCCURRED:

1                   (A) THE ACTION OR OMISSION FOR WHICH THE PERSON  
2                   WAS CONVICTED FOR A SUBSEQUENT TIME WAS PERFORMED ON  
3                   A DOG OR CAT.

4                   (B) THE DOG OR CAT WAS SERIOUSLY INJURED,  
5                   SUFFERED SEVERE PHYSICAL DISTRESS OR WAS PLACED AT  
6                   IMMINENT RISK OF SERIOUS PHYSICAL HARM AS THE RESULT  
7                   OF THE PERSON'S ACTION OR OMISSION.

8           (3) THIS SUBSECTION SHALL NOT APPLY TO ACTIVITY  
9           UNDERTAKEN IN NORMAL AGRICULTURAL OPERATION.

10           \* \* \*

11           ~~(m.2) Certain offenses. In addition to any other penalty~~ <—  
12           ~~provided by law, a person convicted of a second or subsequent~~  
13           ~~offense of cruelty to animals involving a dog or cat under~~  
14           ~~subsection (c) shall be charged with a misdemeanor of the third~~  
15           ~~degree.~~

16           ~~(m.3)~~ (M.2) Prohibition of ownership.--Notwithstanding any <—  
17           ~~provision of law and in addition to any other penalty provided~~  
18           ~~by law, the authority imposing sentence upon a conviction for~~  
19           ~~any violation of this section may order the prohibition or~~  
20           ~~limitation of the defendant's ownership, possession, control or~~  
21           ~~custody of animals or employment with the care of animals for a~~  
22           ~~period of time not to exceed the statutory maximum term of~~  
23           ~~imprisonment applicable to the offense for which sentence is~~  
24           ~~being imposed.~~

25           \* \* \*

26           Section 2. This act shall take effect immediately.