

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2532 Session of 2008

INTRODUCED BY CALTAGIRONE, SHIMKUS, SANTONI, ADOLPH, BELFANTI, BENNINGTON, BEYER, BRENNAN, BUXTON, CAPPELLI, CARROLL, CASORIO, CIVERA, CRUZ, DALEY, J. EVANS, FABRIZIO, FRANKEL, GALLOWAY, GIBBONS, GOODMAN, GRUCELA, HARPER, JAMES, W. KELLER, KILLION, KOTIK, KULA, LENTZ, MAHER, MANDERINO, MARSHALL, MELIO, MOYER, MUSTIO, D. O'BRIEN, M. O'BRIEN, O'NEILL, PAYNE, PAYTON, PRESTON, RAYMOND, READSHAW, ROCK, RUBLEY, SCAVELLO, SIPTROTH, K. SMITH, M. SMITH, SOLOBAY, STURLA, SWANGER, J. TAYLOR, TRUE, WALKO, WATSON, J. WHITE, MICOZZIE, MAHONEY, YOUNGBLOOD, COHEN, DeLUCA, McCALL, EACHUS, HARKINS, HARHAI, McILVAINE SMITH, GINGRICH, SAMUELSON, DALLY, MANN, CONKLIN, THOMAS, SHAPIRO, PETRONE, HORNAMAN, R. TAYLOR, KORTZ, SAINATO, VULAKOVICH AND LEACH, MAY 14, 2008

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, SEPTEMBER 16, 2008

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

9 § 5511. Cruelty to animals.

10 * * *

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

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

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

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

26 [The owner of any dog whose ear or ears have been cut off or
27 cropped before this section became effective may, if a resident
28 of this Commonwealth, register such dog with the treasurer of
29 the county where he resides, and if a nonresident of this
30 Commonwealth, with the treasurer of any county of this

1 Commonwealth, by certifying, under oath, that the ear or ears of
2 such dog were cut or cropped before this section became
3 effective, and the payment of a fee of \$1 into the county
4 treasury. The said treasurer shall thereupon issue to such
5 person a certificate showing such dog to be a lawfully cropped
6 dog.]

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

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

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

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

27 (3) (i) A person commits a summary offense if the
28 person docks, cuts off, causes or procures the docking or
29 cutting off of the tail of a dog over ~~three~~ FIVE days
30 old.

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1 (ii) The provisions of this paragraph shall not
2 prevent a veterinarian from docking, cutting or cropping
3 the whole or part of the tail of a dog when the dog is
4 anesthetized AT LEAST 12 WEEKS OF AGE AND THE PROCEDURE ←
5 IS PERFORMED USING GENERAL ANESTHESIA and shall not
6 prevent a person from causing or procuring the cutting or
7 docking of a tail of a dog by a veterinarian AS PROVIDED ←
8 IN THIS PARAGRAPH.

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

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

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

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

25 (iii) The possession by a person of a dog nursing ←
26 puppies and with a wound resulting from a surgical birth
27 unhealed shall be prima facie evidence of a violation of
28 this paragraph by the person, except as provided in this
29 paragraph.

30 (iv) A person who procures the surgical birth of a

1 dog shall record the procedure and keep the record.

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

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

14 (ii) The provisions of this paragraph shall not
15 prevent a veterinarian from cutting the dewclaw ~~when the~~ <—
16 ~~dog is anesthetized~~ and shall not prevent a person from
17 causing or procuring the procedure by a veterinarian.

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

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

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

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

30 (2) receives compensation for the admission of another

1 person to any place kept or used for animal fighting;

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

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

7 (5) wagers on the outcome of an animal fight;

8 (6) pays for admission to an animal fight or attends an
9 animal fight as a spectator; or

10 (7) knowingly permits any place under his control or
11 possession to be kept or used for animal fighting.

12 This subsection shall not apply to activity undertaken in a
13 normal agricultural operation.

14 * * *

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

17 (1) A State dog warden who has authority under section
18 901(a) of the act of December 7, 1982 (P.L.784, No.225),
19 known as the Dog Law, shall have authority to enforce this
20 section in a county in which there is no humane society
21 police officer appointed under 22 Pa.C.S. Ch. 37 (relating to
22 humane society police officers). Authority provided under
23 this subsection may only be exercised in the enforcement of
24 summary offenses particular to acts or omissions on dogs in
25 the operation of an establishment licensed or required to be
26 licensed as a kennel under the Dog Law.

27 (2) A State dog warden shall have no enforcement
28 authority under this subsection unless the warden has
29 successfully completed all of the minimum requirements for
30 initial training and additional training under 22 Pa.C.S. §§

1 3712 (relating to training program) and 3713 (relating to
2 continuing education program).

3 (3) A State dog warden shall have no authority under
4 this subsection to seize any dog except pursuant to the
5 search of a kennel premises for which a search warrant has
6 been issued in accordance with the applicable provisions of
7 the Pennsylvania Rules of Criminal Procedure. A State dog
8 warden shall not file, obtain or execute any search warrant
9 unless the warden has complied with the requirements for
10 prior approval under 22 Pa.C.S. § 3710 (relating to search
11 warrants). The authority of a dog warden to obtain or execute
12 search warrants or to seize dogs under this section shall not
13 exceed the authority under subsection (1).

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

17 * * *

18 Section 2. This act shall take effect as follows:

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

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