

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 736 Session of 2011

INTRODUCED BY K. BOYLE, BARRAR, B. BOYLE, CALTAGIRONE, D. COSTA,
DeLUCA, GOODMAN, HARHAI, MAHONEY, MANN, MULLERY, MURT,
D. O'BRIEN, PAYNE, READSHAW, SWANGER, FARRY, JOHNSON,
SANTARSIERO AND VEREB, FEBRUARY 17, 2011

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 17, 2011

AN ACT

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

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

5 Section 1. Section 5511.2 of Title 18 of the Pennsylvania
6 Consolidated Statutes is amended by adding a subsection to read:
7 § 5511.2. Police animals.

8 * * *

9 (c.1) Minimum sentencing.--Any person convicted of a
10 violation of subsection (a) or (b) where the police animal is
11 killed shall be sentenced to a minimum of five years of total
12 confinement, notwithstanding any other provision of this title
13 or any other statute to the contrary. Nothing in this subsection
14 shall prevent the sentencing court from imposing a sentence
15 greater than that provided in this subsection, up to the maximum
16 penalty prescribed by this title for a felony of the third
17 degree. There shall be no authority in any court to impose on an

offender to which this subsection is applicable any lesser
sentence than provided for in this subsection or to place such
offender on probation or to suspend sentence. Sentencing
guidelines promulgated by the Pennsylvania Commission on
Sentencing shall not supersede the mandatory sentences provided
in this subsection. If a sentencing court refuses to apply this
subsection where applicable, the Commonwealth shall have the
right to appellate review of the action of the sentencing court.
The appellate court shall vacate the sentence and remand the
case to the sentencing court for the imposition of a sentence in
accordance with this subsection if the appellate court finds
that the sentence was imposed in violation of this subsection.

* * *

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