

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1527 Session of
2012

INTRODUCED BY ALLOWAY, TARTAGLIONE, FONTANA, SOLOBAY, BREWSTER,
WASHINGTON, STACK, LEACH AND FERLO, JUNE 6, 2012

REFERRED TO JUDICIARY, JUNE 6, 2012

AN ACT

1 Providing for actions for costs of care of seized animals.

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

4 Section 1. Short title.

5 This act shall be known and may be cited as the Costs of Care
6 of Seized Animals Act.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall
9 have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Defendant." A defendant charged with a violation of 18
12 Pa.C.S. § 5511 (relating to cruelty to animals).

13 "Petition." A petition for costs of care of any animals
14 seized under section 3(a).

15 "Petitioner." A person or entity that files a petition for
16 costs of care of animals seized under section 3(a).

17 "Reasonable expenses." The necessary costs of caring for

1 seized animals, including the provision of food, water, shelter
2 and medical care, beginning at the date of the seizure until:

3 (1) at least 30 days after the hearing on the petition
4 for costs of care; or

5 (2) the seized animals are no longer under the control
6 of the petitioner, whichever is earlier.

7 Section 3. Petition for costs of care of seized animals.

8 (a) Petition.--When any animals have been seized in
9 connection with a criminal charge for a violation of 18 Pa.C.S.
10 § 5511 (relating to cruelty to animals), a petition for the
11 reasonable expenses of caring for the seized animals may be
12 filed against the defendant by any of the following:

13 (1) A county or municipal official.

14 (2) An organization providing care for the animals.

15 (b) Filing.--A petition under subsection (a) shall be filed
16 no later than the issuance of the final order on the criminal
17 charge for a violation of 18 Pa.C.S. § 5511.

18 Section 4. Serving the petition.

19 (a) Serving the defendant.--No later than five days after
20 filing a petition under section 3, the petitioner shall serve
21 the petition on the defendant by personal service or by
22 registered mail to any of the following:

23 (1) The defendant's mailing address.

24 (2) The place of business of the defendant's counsel.

25 (3) The detention facility where the defendant is
26 incarcerated.

27 (b) Serving the owner.--The petitioner shall serve the
28 petition on the owner of a seized animal if all of the following
29 apply:

30 (1) The petitioner is aware that the defendant is not

1 the owner of the seized animals.

2 (2) The petitioner is aware of the owner's location.

3 Section 5. Hearing on the petition.

4 (a) Date of hearing.--Upon receipt of a petition, the court
5 shall set a date for a hearing to determine the amount of the
6 reasonable expenses. The hearing shall be held not less than
7 seven days but not more than 14 days from the service on the
8 defendant or the owner of the seized animals.

9 (b) Evidence.--At the hearing, the petitioner shall present
10 evidence that demonstrates the amount of reasonable expenses
11 expected to be incurred by the petitioner and that the seizure
12 was warranted.

13 (c) Order.--Not later than five days after the commencement
14 of the hearing, the court shall issue an order and serve the
15 order on the petitioner and the defendant or owner. If the court
16 grants the petition, the order shall include the amount of
17 reasonable expenses to be paid. The defendant's or owner's
18 ability to pay shall not affect the court's determination as to
19 the amount of the reasonable expenses.

20 Section 6. Payment of reasonable expenses.

21 (a) General rule.--Not later than five days after service of
22 the order to pay the amount of reasonable expenses, the
23 defendant or owner shall deposit the entire amount with the
24 clerk of courts.

25 (b) Consequences of nonpayment.--If a person subject to a
26 court order to pay costs under this section fails at any time to
27 pay the entire amount designated in the order, any seized
28 animals shall be automatically forfeited, by operation of law,
29 to the petitioner, and the petitioner shall obtain all rights
30 and privileges in and over the animals.

1 (c) Adjustment.--The court may, upon motion and after a
2 hearing, correct or adjust the amount of future costs of care,
3 as long as the amount is sufficient to cover all reasonable
4 expenses incurred by the petitioner in caring for all seized
5 animals.

6 (d) Withdrawal.--Subsequent to the funds being deposited
7 with the clerk of courts under subsection (a), the petitioner
8 may withdraw from the funds by request to the clerk of courts.
9 Withdrawal of the funds may not prevent the petitioner from the
10 following:

11 (1) Providing necessary medical care, including
12 euthanizing any seized animal. The petitioner may euthanize
13 the animal only if the petitioner obtains a written opinion
14 from a licensed veterinarian who states it is necessary to
15 alleviate the animal's extreme suffering.

16 (2) Transferring any seized animal only if any of the
17 following apply:

18 (i) The court orders the transfer.

19 (ii) The defendant or owner of the animal surrenders
20 all rights to the animal.

21 Section 7. Administration.

22 (a) Renewal.--The portion of the order specifying the amount
23 of foreseeable reasonable expenses shall be automatically
24 renewed not less than every 30 days until any of the following:

25 (1) the issuance of the final order on the criminal
26 charge for a violation of 18 Pa.C.S. § 5511 (relating to
27 cruelty to animals); or

28 (2) the seized animals are no longer under the control
29 of the petitioner, whichever is earlier.

30 (b) Adjustment.--If the court elects to adjust the amount of

1 the foreseeable reasonable expenses, the court shall provide the
2 petitioner and the defendant or owner all of the following:

3 (1) Notice of hearing on the adjustment.

4 (2) A hearing on the adjustment.

5 (c) Remittance.--No earlier than the issuance of the final
6 order on the criminal charge for a violation of 18 Pa.C.S. §
7 5511, all remaining funds that have not been spent for the
8 reasonable expenses of the animal shall be remitted to the
9 defendant or owner who has deposited the funds.

10 Section 8. Examination.

11 Notwithstanding any other rights under 18 Pa.C.S. § 5511
12 (relating to cruelty to animals), not later than the
13 commencement of the hearing, the defendant or owner of the
14 animal shall have one opportunity to examine the seized animal
15 for the purposes of preserving evidence. The examination shall
16 be completed in the presence of a law enforcement officer, a
17 county or municipal official or the organization that is caring
18 for the seized animal.

19 Section 9. Lien.

20 Any unpaid amount of reasonable expenses designated by an
21 order under this act shall constitute a lien against the
22 defendant or owner.

23 Section 10. Immunity.

24 Any individual acting in good faith shall be immune from
25 civil liability for damages sustained by the defendant or owner
26 of the animals subject to this act.

27 Section 11. Effective date.

28 This act shall take effect in 60 days.