

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 760 Session of 2013

INTRODUCED BY D. COSTA, K. BOYLE, CONKLIN, DEAN, DUNBAR,
FABRIZIO, FARRY, FRANKEL, FREEMAN, GIBBONS, GOODMAN, HACKETT,
HARHAI, W. KELLER, KORTZ, MAHER, MATZIE, MILLARD, MILNE,
MURT, O'BRIEN, O'NEILL, PETRI, RAVENSTAHL, READSHAW, ROZZI,
SANTARSIERO, SCHLOSSBERG, SIMMONS, STEPHENS, SWANGER, WATSON,
WHITE, YOUNGBLOOD AND EVERETT, FEBRUARY 25, 2013

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 25, 2013

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in riot, disorderly conduct and
3 related offenses, further providing for the offense of
4 cruelty to animals.

5 This act shall be referred to as Angel's Law.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 5511(a), (b), (c), (d), (e), (e.1), (f),
9 (g), (h), (k), (m.1) and (n) of Title 18 of the Pennsylvania
10 Consolidated Statutes are amended to read:

11 § 5511. Cruelty to animals.

12 (a) Killing, maiming or poisoning domestic animals or zoo
13 animals, etc.--

14 (1) A person commits [a misdemeanor of the second
15 degree] an offense if he willfully and maliciously:

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

1 (ii) Administers poison to or exposes any poisonous
2 substance with the intent to administer such poison to
3 any domestic animal of another person or domestic fowl of
4 another person.

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

10 Any person convicted of violating the provisions of this
11 paragraph shall be sentenced to pay a fine of not less than
12 \$500.

13 (1.1) (i) Except as provided in subparagraph (ii), a
14 person convicted of violating paragraph (1) commits a
15 misdemeanor of the first degree.

16 (ii) A person convicted for a second or subsequent
17 time of violating paragraph (1) (i) commits a felony of
18 the third degree.

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

21 (i) Kills, maims or disfigures any zoo animal in
22 captivity.

23 (ii) Administers poison to or exposes any poisonous
24 substance with the intent to administer such poison to
25 any zoo animal in captivity.

26 (2.1) (i) A person commits a misdemeanor of the first
27 degree if he willfully and maliciously:

28 (A) Kills, maims, mutilates, tortures or
29 disfigures any dog or cat, whether belonging to
30 himself or otherwise. If a person kills, maims,

1 mutilates, tortures or disfigures a dog guide for an
2 individual who is blind, a hearing dog for an
3 individual who is deaf or audibly impaired or a
4 service dog for an individual who is physically
5 limited, whether belonging to the individual or
6 otherwise, that person, in addition to any other
7 applicable penalty, shall be required to make
8 reparations for veterinary costs in treating the dog
9 and, if necessary, the cost of obtaining and training
10 a replacement dog.

11 (B) Administers poison to or exposes any
12 poisonous substance with the intent to administer
13 such poison to any dog or cat, whether belonging to
14 himself or otherwise.

15 (ii) [Any] (A) Except as otherwise provided in
16 clause (B), any person convicted of violating the
17 provisions of this paragraph shall be sentenced to
18 pay a fine of not less than \$1,000 or to imprisonment
19 for not more than two years, or both. The court may
20 also order a presentence mental evaluation.

21 (B) A second or subsequent conviction under this
22 paragraph shall be a felony of the third degree.

23 [This paragraph shall apply to dogs and cats only.]

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

29 (3) This subsection shall not apply to:

30 (i) the killing of any animal taken or found in the

act of actually destroying any domestic animal or domestic fowl;

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

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

* * *

(b) Regulating certain actions concerning fowl or rabbits.-- A person commits a [summary offense] misdemeanor of the third degree if he sells, offers for sale, barter, or gives away baby chickens, ducklings, or other fowl, under one month of age, or rabbits under two months of age, as pets, toys, premiums or novelties or if he colors, dyes, stains or otherwise changes the natural color of baby chickens, ducklings or other fowl, or rabbits or if he brings or transports the same into this Commonwealth. This section shall not be construed to prohibit the sale or display of such baby chickens, ducklings, or other fowl, or such rabbits, in proper facilities by persons engaged in the business of selling them for purposes of commercial breeding and raising.

(c) Cruelty to animals.--

(1) A person commits an offense if he wantonly or cruelly illtreats, overloads, beats, otherwise abuses any animal, or neglects any animal as to which he has a duty of care, whether belonging to himself or otherwise, or abandons any animal, or deprives any animal of necessary sustenance,

1 drink, shelter or veterinary care, or access to clean and
2 sanitary shelter which will protect the animal against
3 inclement weather and preserve the animal's body heat and
4 keep it dry.

5 (2) (i) Except as provided in subparagraph (ii), a
6 person convicted of violating paragraph (1) commits a
7 [summary offense] misdemeanor of the third degree.

8 (ii) A person convicted for a second or subsequent
9 time of violating paragraph (1) commits a misdemeanor of
10 the [third] second degree if all of the following
11 occurred:

12 (A) The action or omission for which the person
13 was convicted for a subsequent time was performed on
14 a dog or cat.

15 (B) The dog or cat was seriously injured,
16 suffered severe physical distress or was placed at
17 imminent risk of serious physical harm as the result
18 of the person's action or omission.

19 (iii) Nothing in this section shall prevent a humane
20 society police officer as defined in section 102 of the
21 act of December 7, 1982 (P.L.784, No.225), known as the
22 Dog Law, from charging a person who violates this
23 subsection for the first time.

24 (3) This subsection shall not apply to activity
25 undertaken in normal agricultural operation.

26 (d) Selling or using disabled horse.--A person commits a
27 [summary offense] misdemeanor of the third degree if he offers
28 for sale or sells any horse, which by reason of debility,
29 disease or lameness, or for other cause, could not be worked or
30 used without violating the laws against cruelty to animals, or

1 leads, rides, drives or transports any such horse for any
2 purpose, except that of conveying the horse to the nearest
3 available appropriate facility for its humane keeping or
4 destruction or for medical or surgical treatment.

5 (e) Transporting animals in cruel manner.--

6 (1) A person commits a [summary offense] misdemeanor of
7 the third degree if he carries, or causes, or allows to be
8 carried in or upon any cart, or other vehicle whatsoever, any
9 animal in a cruel or inhumane manner.

10 (2) The person taking him into custody may take charge
11 of the animal and of any such vehicle and its contents, and
12 deposit the same in some safe place of custody, and any
13 necessary expenses which may be incurred for taking charge of
14 and keeping the same, and sustaining any such animal, shall
15 be a lien thereon, to be paid before the same can lawfully be
16 recovered, or the said expenses or any part thereof remaining
17 unpaid may be recovered by the person incurring the same from
18 the owner of said creature in any action therefor.

19 (3) For the purposes of this section, it shall not be
20 deemed cruel or inhumane to transport live poultry in crates
21 so long as not more than 15 pounds of live poultry are
22 allocated to each cubic foot of space in the crate.

23 (e.1) Transporting equine animals in cruel manner.--

24 (1) Notwithstanding any other provision of law, a person
25 commits a [summary offense] misdemeanor of the third degree
26 for each equine animal if the person carries, or causes or
27 allows to be carried, any equine animal in or upon any
28 conveyance or other vehicle whatsoever with two or more
29 levels stacked on top of one another.

30 (2) A person who violates this subsection on a second or

subsequent occasion commits a misdemeanor of the [third]
second degree for each equine animal transported.

(f) Hours of labor of animals.--

(1) A person commits a [summary offense] misdemeanor of the third degree if he leads, drives, rides or works or causes or permits any other person to lead, drive, ride or work any horse, mare, mule, ox, or any other animal, whether belonging to himself or in his possession or control, for more than 15 hours in any 24 hour period, or more than 90 hours in any one week.

(2) Nothing in this subsection [contained] shall be construed to warrant any persons leading, driving, riding or walking any animal a less period than 15 hours, when so doing shall in any way violate the laws against cruelty to animals.

(g) Cruelty to cow to enhance appearance of udder.--A person commits a [summary offense] misdemeanor of the third degree if he kneads or beats or pads the udder of any cow, or willfully allows it to go unmilked for a period of 24 hours or more, for the purpose of enhancing the appearance or size of the udder of said cow, or by a muzzle or any other device prevents its calf, if less than six weeks old, from obtaining nourishment, and thereby relieving the udder of said cow, for a period of 24 hours.

(h) Specific violations; prima facie evidence of violation.--

(1) (i) A person commits a [summary offense] misdemeanor of the third degree if the person crops, trims or cuts off, or causes or procures to be cropped, trimmed or cut off, the whole or part of the ear or ears of a dog.

1 (ii) The provisions of this paragraph shall not
2 prevent a veterinarian from cropping, trimming or cutting
3 off the whole or part of the ear or ears of a dog when
4 the dog is anesthetized and shall not prevent any person
5 from causing or procuring the cropping, trimming or
6 cutting off of a dog's ear or ears by a veterinarian.

7 (iii) The possession by any person of a dog with an
8 ear or ears cropped, trimmed or cut off and with the
9 wound or incision site resulting therefrom unhealed, or
10 any such dog being found in the charge or custody of any
11 person or confined upon the premises owned by or under
12 the control of any person, shall be prima facie evidence
13 of a violation of this subsection by the person except as
14 provided for in this subsection.

15 (iv) A person who procures the cropping, trimming or
16 cutting off of the whole or part of an ear or ears of a
17 dog shall record the procedure. The record shall include
18 the name of the attending veterinarian and the date and
19 location at which the procedure was performed. The record
20 shall be kept as long as the wound or incision site is
21 unhealed and shall be transferred with the dog during
22 that period of time.

23 (2) (i) A person commits a [summary offense]
24 misdemeanor of the third degree if the person debarks a
25 dog by cutting, causing or procuring the cutting of its
26 vocal cords or by altering, causing or procuring the
27 alteration of any part of its resonance chamber.

28 (ii) The provisions of this paragraph shall not
29 prevent a veterinarian from cutting the vocal cords or
30 otherwise altering the resonance chamber of a dog when

1 the dog is anesthetized and shall not prevent a person
2 from causing or procuring a debarking procedure by a
3 veterinarian.

4 (iii) The possession by any person of a dog with the
5 vocal cords cut or the resonance chamber otherwise
6 altered and with the wound or incision site resulting
7 therefrom unhealed, or any such dog being found in the
8 charge or custody of any person or confined upon the
9 premises owned by or under the control of any person,
10 shall be prima facie evidence of a violation of this
11 paragraph by the person, except as provided in this
12 paragraph.

13 (iv) A person who procures the cutting of vocal
14 cords or the alteration of the resonance chamber of a dog
15 shall record the procedure. The record shall include the
16 name of the attending veterinarian and the date and
17 location at which the procedure was performed. The record
18 shall be kept as long as the wound or incision site is
19 unhealed and shall be transferred with the dog during
20 that period of time.

21 (3) (i) A person commits a [summary offense]
22 misdemeanor of the third degree if the person docks, cuts
23 off, causes or procures the docking or cutting off of the
24 tail of a dog over five days old.

25 (ii) The provisions of this paragraph shall not
26 prevent a veterinarian from docking, cutting off or
27 cropping the whole or part of the tail of a dog when the
28 dog is at least 12 weeks of age and the procedure is
29 performed using general anesthesia and shall not prevent
30 a person from causing or procuring the cutting off or

docking of a tail of a dog by a veterinarian as provided in this paragraph.

(iii) The provisions of this section shall not prevent a veterinarian from surgically removing, docking, cutting off or cropping the tail of a dog between five days and 12 weeks of age if, in the veterinarian's professional judgment, the procedure is medically necessary for the health and welfare of the dog. If the procedure is performed, it shall be done in accordance with generally accepted standards of veterinary practice.

(iv) The possession by any person of a dog with a tail cut off or docked and with the wound or incision site resulting therefrom unhealed, or any such dog being found in the charge or custody of any person or confined upon the premises owned by or under the control of any person, shall be prima facie evidence of a violation of this paragraph by the person, except as provided in this paragraph.

(v) A person who procures the cutting off or docking of a tail of a dog shall record the procedure. The record shall include the name of the attending veterinarian and the date and location at which the procedure was performed. The record shall be kept as long as the wound or incision site is unhealed and shall be transferred with the dog during that period of time.

(4) (i) A person commits a [summary offense] misdemeanor of the third degree if the person surgically births or causes or procures a surgical birth.

(ii) The provisions of this section shall not prevent a veterinarian from surgically birthing a dog

1 when the dog is anesthetized and shall not prevent any
2 person from causing or procuring a surgical birthing by a
3 veterinarian.

4 (iii) The possession by any person of a dog with a
5 wound or incision site resulting from a surgical birth
6 unhealed, or any such dog being found in the charge or
7 custody of any person or confined upon the premises owned
8 by or under the control of any person, shall be prima
9 facie evidence of a violation of this paragraph by the
10 person, except as provided in this paragraph.

11 (iv) A person who procures the surgical birth of a
12 dog shall record the procedure. The record shall include
13 the name of the attending veterinarian and the date and
14 location at which the procedure was performed. The record
15 shall be kept as long as the wound or incision site is
16 unhealed and shall be transferred with the dog during
17 that period of time.

18 (v) This paragraph shall not apply to personnel
19 required to comply with standards to minimize pain to an
20 animal set forth in section 2143(a)(3) of the Animal
21 Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.),
22 trained in accordance with section 2143(d) of the Animal
23 Welfare Act, who work in a federally registered research
24 facility required to comply with the Animal Welfare Act
25 under the guidance or oversight of a veterinarian.

26 (5) (i) A person commits a [summary offense]
27 misdemeanor of the third degree if the person cuts off or
28 causes or procures the cutting off of the dewclaw of a
29 dog over five days old.

30 (ii) The provisions of this paragraph shall not

1 prevent a veterinarian from cutting the dewclaw and shall
2 not prevent a person from causing or procuring the
3 procedure by a veterinarian.

4 (iii) The possession by any person of a dog with the
5 dewclaw cut off and with the wound or incision site
6 resulting therefrom unhealed, or any such dog being found
7 in the charge or custody of any person or confined upon
8 the premises owned by or under the control of any person,
9 shall be prima facie evidence of a violation of this
10 paragraph by the person, except as provided in this
11 paragraph.

12 (iv) A person who procures the cutting off of the
13 dewclaw of a dog shall record the procedure. The record
14 shall include the name of the attending veterinarian and
15 the date and location at which the procedure was
16 performed. The record shall be kept as long as the wound
17 or incision site is unhealed and shall be transferred
18 with the dog during that period of time.

19 * * *

20 (k) Killing homing pigeons.--A person commits a [summary
21 offense] misdemeanor of the third degree if he shoots, maims or
22 kills any antwerp or homing pigeon, either while on flight or at
23 rest, or detains or entraps any such pigeon which carries the
24 name of its owner.

25 * * *

26 (m.1) Fine for [summary offense] misdemeanor of the third
27 degree.--In addition to any other penalty provided by law, a
28 person convicted of a [summary offense] misdemeanor of the third
29 degree under this section shall pay a fine of not less than \$50
30 nor more than \$750 or to imprisonment for not more than 90 days,

1 or both.

2 * * *

3 (n) Skinning of and selling or buying pelts of dogs and
4 cats.--A person commits a [summary offense] misdemeanor of the
5 third degree if he skins a dog or cat or offers for sale or
6 exchange or offers to buy or exchange the pelt or pelts of any
7 dog or cat.

8 * * *

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