

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 320 Session of 2013

INTRODUCED BY FARNESE, STACK, ERICKSON, RAFFERTY, HUGHES,
TEPLITZ, BREWSTER, BOSCOLA, SOLOBAY, COSTA, WARD AND SMITH,
JANUARY 25, 2013

REFERRED TO JUDICIARY, JANUARY 25, 2013

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in falsification and intimidation, providing for
4 the offenses of failure to comply with animal abuse
5 registration requirements and of illegal use of animal abuse
6 registry information; and, in sentencing, providing for
7 animal abuse registry; and establishing the Animal Abuse
8 Registry Fund.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Title 18 of the Pennsylvania Consolidated
12 Statutes is amended by adding sections to read:

13 § 4916. Failure to comply with animal abuse registration
14 requirements.

15 (a) Offense defined.--An individual who is subject to
16 registration under 42 Pa.C.S. § 9778(a) (relating to animal
17 abuse registry) commits an offense if he knowingly fails to:

18 (1) register or reregister with the county sheriff as
19 required under 42 Pa.C.S. § 9778(a); or

20 (2) provide accurate information when registering under

42 Pa.C.S. § 9778.

(b) Grading.--

(1) Except as set forth in paragraph (2), an individual subject to registration under 42 Pa.C.S. § 9778(a) who commits a violation of subsection (a)(1) or (2) or a similar offense commits a felony of the third degree.

(2) An individual subject to registration under 42 Pa.C.S. § 9778(a) who commits a violation of subsection (a)(1) or (2) and who has previously been convicted of an offense under subsection (a)(1) or (2) or a similar offense commits a felony of the second degree.

§ 7518. Illegal use of animal abuse registry information.

(a) Offense defined.--Any individual who uses information obtained from the local animal abuse registry or the central animal abuse registry established under 42 Pa.C.S. § 9778 (relating to animal abuse registry) to commit an offense under this title commits an offense under this section.

(b) Grading.--

(1) An individual who commits a violation of subsection (a) commits a misdemeanor of the third degree.

(2) An individual who commits a second or subsequent violation of subsection (a) commits a misdemeanor of the second degree.

Section 2. Title 42 is amended by adding a section to read:

§ 9778. Animal abuse registry.

(a) Registration required.--

(1) The following individuals shall be required to register with the county sheriff for the county in which the individual is located for ten years following the conviction:

(i) Individuals convicted of any of the following

offenses:

(A) 18 Pa.C.S. § 5511(a) (relating to cruelty to animals).

(B) a second or subsequent conviction under 18 Pa.C.S. § 5511(c).

(C) 18 Pa.C.S. § 5511(h.1).

(D) 18 Pa.C.S. § 5511.2 (relating to police animals).

(E) 18 Pa.C.S. § 5511.3 (relating to assault with a biological agent on animal, fowl or honey bees).

(F) Any other felony violation of a law protecting animal welfare.

(ii) Individuals convicted of an attempt to commit any of the offenses listed in paragraph (1)(i) or (2).

(iii) Individuals currently residing in this Commonwealth who have been convicted of offenses similar to the crimes cited in subparagraphs (i) and (ii), under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation.

(2) An individual with two or more convictions of any of the offenses set forth in this subsection shall be subject to lifetime registration.

(3) (i) An offender or repeat offender, following release from incarceration, upon parole from a correctional institution or upon commencement of immediate punishment or probation that results from a conviction for an offense listed under subsection (a)(1)(i), and who is located within the boundaries of this

1 Commonwealth for more than ten consecutive days, shall
2 register with the county sheriff for the county in which
3 the offender or repeat offender is located before the end
4 of the 11th day.

5 (ii) An offender or repeat offender who is currently
6 registered in the county of the offender's previous
7 location within this Commonwealth shall reregister with
8 the county sheriff for the county in which the offender
9 or repeat offender is now located no later than ten days
10 after moving to the new location in this Commonwealth.

11 (4) (i) Following the initial registration under this
12 section, an offender shall annually renew the
13 registration with the county sheriff prior to December 31
14 of each subsequent calendar year for a period of ten
15 years.

16 (ii) Following the initial registration under this
17 section, a repeat offender shall annually renew the
18 registration with the county sheriff prior to December 31
19 of each subsequent calendar year.

20 (b) Information required.--

21 (1) The offender or repeat offender shall provide the
22 county sheriff with the following information:

23 (i) Legal name and any other names or aliases that
24 the offender or repeat offender uses or has used.

25 (ii) Date of birth.

26 (iii) Social Security number.

27 (iv) Current address or location.

28 (v) Place of employment.

29 (vi) The offense the offender or repeat offender was
30 convicted of and the date and location of the offense.

1 (vii) The county or counties in this Commonwealth
2 where the offender or repeat offender is registered under
3 this section.

4 (2) The county sheriff shall obtain the following from
5 the offender or repeat offender:

6 (i) A photograph of the offender or repeat offender
7 and a complete set of the offender's or repeat offender's
8 fingerprints.

9 (ii) A description of any tattoos, scars or other
10 distinguishing features on the offender's or repeat
11 offender's body that would assist in identifying the
12 offender or repeat offender.

13 (3) For registration renewal, the offender or repeat
14 offender shall provide updated information for the required
15 information contained in paragraphs (1) and (2).

16 (c) Fees.--

17 (1) In addition to any fines, fees or penalties levied
18 or imposed as provided by law, each offender and repeat
19 offender shall pay an annual registration fee of \$50 when
20 registering with the county sheriff.

21 (2) The county sheriff shall remit the fees collected
22 under paragraph (1) to the State Treasurer for deposit into
23 the fund.

24 (d) Central and local registries.--

25 (1) The county sheriff shall establish and maintain a
26 local registry of offenders and repeat offenders in the
27 sheriff's jurisdiction to be known as the local animal abuse
28 registry. The sheriff shall be responsible for the following:

29 (i) Forwarding all registration information to the
30 Pennsylvania State Police.

1 (ii) Within ten days of receipt of an initial
2 registration from an offender or repeat offender for the
3 offender's or repeat offender's current place of
4 residence, the county sheriff shall contact every
5 residence, school, humane society, animal shelter and any
6 other business within a half-mile radius of the
7 offender's or repeat offender's residence or location and
8 provide them with the registration information of the
9 offender or repeat offender except for the Social
10 Security number.

11 (2) The Pennsylvania State Police shall establish and
12 maintain a central registry of offenders and repeat offenders
13 required to register under this section to be known as the
14 central animal abuse registry. Information contained in the
15 central animal abuse registry of offender's and repeat
16 offenders shall be made available to the public through the
17 Internet and telephone, by written access and in person. All
18 of the information contained in an offender's or repeat
19 offender's registration, with the exception of the Social
20 Security number or any other information protected by law,
21 shall be made available to the public. Records of each
22 registration shall be maintained for the ten-year period that
23 an offender is required to be registered. Records of each
24 registration shall be maintained during the period that a
25 repeat offender is required to be registered.

26 (3) (i) It is hereby declared to be the finding of the
27 General Assembly that the health and safety of animals
28 that are at risk of abuse will be enhanced by making
29 information about offenders and repeat offenders
30 available to the public through the Internet and

1 telephone, by written access and in person. Knowledge of
2 whether a certain person is an offender or repeat
3 offender can be a significant factor in protecting pets
4 and animals from recidivist acts by offenders and repeat
5 offenders. The technology afforded by the Internet would
6 make this information readily accessible to the public
7 enabling them to undertake appropriate remedial
8 precautions. Public access to information about offenders
9 and repeat offenders is intended solely as a means of
10 protection for the pets and animals of the public that
11 are at risk of abuse and shall not be construed as
12 punitive.

13 (ii) An individual is authorized to use the
14 information contained in the central animal abuse
15 registry and the local animal abuse registry for
16 protecting animals at risk of abuse.

17 (e) Sentencing court information.--The sentencing court
18 shall inform offenders and repeat offenders at the time of
19 sentencing of the provisions of this section. The court shall:

20 (1) Specifically inform the offender or repeat offender
21 of the duty to register and provide the information required
22 for registration.

23 (2) Specifically inform the offender or repeat offender
24 of the duty to inform the county sheriff within ten days if
25 the offender or repeat offender does the following:

26 (i) changes residence or establishes an additional
27 residence or residences;

28 (ii) changes employer or employment location for a
29 period of time that exceeds 14 days or for an aggregate
30 period of time that will exceed 30 days during any

1 calendar year or terminates employment; or

2 (iii) changes institution or location at which the
3 offender or repeat offender is enrolled as a student or
4 terminates enrollment.

5 (3) Specifically inform the offender or repeat offender
6 of the duty to register with a new law enforcement agency if
7 the offender or repeat offender moves to another state no
8 later than ten days after establishing residence in another
9 state and if the state requires such registration.

10 (4) Specifically inform the offender or repeat offender
11 of the duty to register with the appropriate authorities in
12 any state in which the offender or repeat offender is
13 employed, carries on a vocation or is a student if the state
14 requires such registration.

15 (5) Require the offender or repeat offender to read and
16 sign a form stating that the duty to register under this
17 section has been provided in writing and has been explained.
18 Where the offender or repeat offender is incapable of
19 reading, the court shall certify the duty to register was
20 explained to the offender or repeat offender and the offender
21 or repeat offender indicated an understanding of the duty.

22 (f) Animal Abuse Registry Fund.--

23 (1) The Animal Abuse Registry Fund is established in the
24 State Treasury as a restricted account and shall be used
25 exclusively for funding the administration of this section by
26 county sheriffs and the Pennsylvania State Police.

27 (2) Up to 65% of the moneys in the fund shall be payable
28 to a county to fund the county sheriff's establishment and
29 administration of the local animal abuse registry pursuant to
30 subsection (d)(1).

1 (3) Up to 35% of the moneys in the fund shall be payable
2 to the Pennsylvania State Police to fund its establishment
3 and administration of the central animal abuse registry
4 pursuant to subsection (d) (2).

5 (g) Immunity for good faith conduct.--The following entities
6 shall be immune from liability for good faith conduct under this
7 section:

8 (1) The Pennsylvania State Police and local law
9 enforcement agencies and employees of law enforcement
10 agencies.

11 (2) Sheriffs, deputy sheriffs and employees of the
12 office of sheriff of a county.

13 (3) District attorneys and their agents and employees.

14 (4) The Pennsylvania Department of Corrections and its
15 agents and employees.

16 (5) County correctional facilities and their agents and
17 employees.

18 (h) Photographs and fingerprinting.--An individual subject
19 to subsection (a) (1) or (2) shall submit to photographing and
20 fingerprinting as required by this section at locations
21 designated by the county sheriff. Fingerprinting as required by
22 this section shall, at a minimum, require submission of a full
23 set of fingerprints. Photographing as required by this section
24 shall, at a minimum, require submission to photographs of the
25 face and any tattoos, scars or other distinguishing features on
26 the offender's or repeat offender's body that would assist in
27 identifying the individual. Fingerprints and photographs
28 obtained under this section may be maintained for use under this
29 section and for general law enforcement purposes.

30 (i) Civil liability for information misuse.--When an

individual or a group of individuals is engaged in a pattern or practice of misuse of information in violation of subsection (d) (3) that was obtained from the central animal abuse registry or local animal abuse registry, or both, any individual aggrieved by the misuse may, in any court of competent jurisdiction, obtain appropriate relief, including injunctive relief.

(j) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Correctional institution." A State correctional institution or local correctional facility located in this Commonwealth or an equivalent correctional institution owned or operated by the United States or one of its territories, another state, the Commonwealth of Puerto Rico or a foreign nation.

"County correctional institution." The term shall have the meaning given to it in 61 Pa.C.S. § 102 (relating to definitions).

"Fund." The Animal Abuse Registry Fund established under this section.

"Local law enforcement agency." A police department of a city, borough, incorporated town or township.

"Offender." An individual required to register under subsection (a) (1).

"Repeat offender." An individual required to register under subsection (a) (2).

"State correctional institution." The term shall have the meaning given to it in 61 Pa.C.S. § 102 (relating to definitions).

Section 3. This act shall take effect in 60 days.