

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2383 Session of 2015

INTRODUCED BY STEPHENS, SANTARSIERO, W. KELLER, GREINER, ROZZI, DEAN, FREEMAN, SCHLOSSBERG, WATSON, READSHAW, KAUFFMAN, O'BRIEN, GERGELY, JAMES, BURNS, FARRY, A. HARRIS, MILLARD, SAINATO, STAATS, GIBBONS, DEASY, MURT, D. COSTA, ELLIS, GROVE, SCHWEYER, DeLUCA AND MILNE, OCTOBER 3, 2016

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 3, 2016

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 and for live animals as prizes prohibited;  
 5 and making editorial changes.

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

8 Section 1. Chapter 55 of Title 18 of the Pennsylvania  
 9 Consolidated Statutes is amended by adding a subchapter heading  
 10 to read:

11 SUBCHAPTER A

12 DEFINITION OF OFFENSES GENERALLY

13 Section 2. Section 5511 of Title 18 is repealed:

14 [§ 5511. Cruelty to animals.

15 (a) Killing, maiming or poisoning domestic animals or zoo  
 16 animals, etc.--

17 (1) A person commits a misdemeanor of the second degree  
 18 if he willfully and maliciously:

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

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

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

12 Any person convicted of violating the provisions of this  
13 paragraph shall be sentenced to pay a fine of not less than  
14 \$500.

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

17 (i) Kills, maims or disfigures any zoo animal in  
18 captivity.

19 (ii) Administers poison to or exposes any poisonous  
20 substance with the intent to administer such poison to  
21 any zoo animal in captivity.

22 (2.1) (i) A person commits a misdemeanor of the first  
23 degree if he willfully and maliciously:

24 (A) Kills, maims, mutilates, tortures or  
25 disfigures any dog or cat, whether belonging to  
26 himself or otherwise. If a person kills, maims,  
27 mutilates, tortures or disfigures a dog guide for an  
28 individual who is blind, a hearing dog for an  
29 individual who is deaf or audibly impaired or a  
30 service dog for an individual who is physically

1           limited, whether belonging to the individual or  
2           otherwise, that person, in addition to any other  
3           applicable penalty, shall be required to make  
4           reparations for veterinary costs in treating the dog  
5           and, if necessary, the cost of obtaining and training  
6           a replacement dog.

7           (B) Administers poison to or exposes any  
8           poisonous substance with the intent to administer  
9           such poison to any dog or cat, whether belonging to  
10          himself or otherwise.

11          (ii) Any person convicted of violating the  
12          provisions of this paragraph shall be sentenced to pay a  
13          fine of not less than \$1,000 or to imprisonment for not  
14          more than two years, or both. The court may also order a  
15          presentence mental evaluation. A subsequent conviction  
16          under this paragraph shall be a felony of the third  
17          degree. This paragraph shall apply to dogs and cats only.

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

23          (3) This subsection shall not apply to:

24          (i) the killing of any animal taken or found in the  
25          act of actually destroying any domestic animal or  
26          domestic fowl;

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

1 of dogs declared public nuisances), or the regulations  
2 promulgated thereunder; or

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

5 (a.1) Guide dogs.--

6 (1) A person commits a misdemeanor of the third degree  
7 if he is the owner or co-owner of a dog that kills, maims or  
8 disfigures a guide dog of an individual who is blind, a  
9 hearing dog of an individual who is deaf or audibly impaired  
10 or a service dog of an individual who is physically limited  
11 without provocation by the guide, hearing or service dog or  
12 the individual.

13 (2) A person commits an offense under this subsection  
14 only if the person knew or should have known that the dog he  
15 owns or co-owns had a propensity to attack human beings or  
16 domestic animals without provocation and the owner or co-  
17 owner knowingly or recklessly failed to restrain the dog or  
18 keep the dog in a contained, secure manner.

19 (3) Any person convicted of violating the provisions of  
20 this subsection shall be sentenced to pay a fine of not more  
21 than \$5,000 and shall be ordered to make reparations for  
22 veterinary costs in treating the guide, hearing or service  
23 dog and, if necessary, the cost of obtaining and training a  
24 replacement guide, hearing or service dog.

25 (a.2) Civil penalty and restitution.--

26 (1) A person who is the owner or co-owner of a dog that  
27 kills, maims or disfigures a guide dog of an individual who  
28 is blind, a hearing dog of an individual who is deaf or  
29 audibly impaired or a service dog of an individual who is  
30 physically limited shall be subject to paragraph (2) if all

1 of the following apply:

2 (i) The owner or co-owner knew the dog had a  
3 propensity to attack human beings or domestic animals.

4 (ii) The owner or co-owner failed to restrain the  
5 dog or keep the dog in a contained, secure manner.

6 (2) A court of common pleas may impose any of the  
7 following upon any person who is the owner or co-owner of a  
8 dog under paragraph (1):

9 (i) A civil penalty of up to \$15,000.

10 (ii) Reparations for veterinary costs in treating  
11 the guide, hearing or service dog and, if necessary, the  
12 cost of retraining the dog or of obtaining and training a  
13 replacement guide, hearing or service dog.

14 (iii) Loss of income for the time the individual is  
15 unable to work due to the unavailability of the guide,  
16 hearing or service dog.

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

29 (c) Cruelty to animals.--

30 (1) A person commits an offense if he wantonly or

1 cruelly illtreats, overloads, beats, otherwise abuses any  
2 animal, or neglects any animal as to which he has a duty of  
3 care, whether belonging to himself or otherwise, or abandons  
4 any animal, or deprives any animal of necessary sustenance,  
5 drink, shelter or veterinary care, or access to clean and  
6 sanitary shelter which will protect the animal against  
7 inclement weather and preserve the animal's body heat and  
8 keep it dry.

9 (2) (i) Except as provided in subparagraph (ii), a  
10 person convicted of violating paragraph (1) commits a  
11 summary offense.

12 (ii) A person convicted for a second or subsequent  
13 time of violating paragraph (1) commits a misdemeanor of  
14 the third degree if all of the following occurred:

15 (A) The action or omission for which the person  
16 was convicted for a subsequent time was performed on  
17 a dog or cat.

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

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

24 (d) Selling or using disabled horse.--A person commits a  
25 summary offense if he offers for sale or sells any horse, which  
26 by reason of debility, disease or lameness, or for other cause,  
27 could not be worked or used without violating the laws against  
28 cruelty to animals, or leads, rides, drives or transports any  
29 such horse for any purpose, except that of conveying the horse  
30 to the nearest available appropriate facility for its humane

1 keeping or destruction or for medical or surgical treatment.

2 (e) Transporting animals in cruel manner.--A person commits  
3 a summary offense if he carries, or causes, or allows to be  
4 carried in or upon any cart, or other vehicle whatsoever, any  
5 animal in a cruel or inhumane manner. The person taking him into  
6 custody may take charge of the animal and of any such vehicle  
7 and its contents, and deposit the same in some safe place of  
8 custody, and any necessary expenses which may be incurred for  
9 taking charge of and keeping the same, and sustaining any such  
10 animal, shall be a lien thereon, to be paid before the same can  
11 lawfully be recovered, or the said expenses or any part thereof  
12 remaining unpaid may be recovered by the person incurring the  
13 same from the owner of said creature in any action therefor.

14 For the purposes of this section, it shall not be deemed  
15 cruel or inhumane to transport live poultry in crates so long as  
16 not more than 15 pounds of live poultry are allocated to each  
17 cubic foot of space in the crate.

18 (e.1) Transporting equine animals in cruel manner.--  
19 Notwithstanding any other provision of law, a person commits a  
20 summary offense for each equine animal if the person carries, or  
21 causes or allows to be carried, any equine animal in or upon any  
22 conveyance or other vehicle whatsoever with two or more levels  
23 stacked on top of one another. A person who violates this  
24 subsection on a second or subsequent occasion commits a  
25 misdemeanor of the third degree for each equine animal  
26 transported.

27 (f) Hours of labor of animals.--A person commits a summary  
28 offense if he leads, drives, rides or works or causes or permits  
29 any other person to lead, drive, ride or work any horse, mare,  
30 mule, ox, or any other animal, whether belonging to himself or

1 in his possession or control, for more than 15 hours in any 24  
2 hour period, or more than 90 hours in any one week.

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

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

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

17 (1) (i) A person commits a summary offense if the  
18 person crops, trims or cuts off, or causes or procures to  
19 be cropped, trimmed or cut off, the whole or part of the  
20 ear or ears of a dog.

21 (ii) The provisions of this paragraph shall not  
22 prevent a veterinarian from cropping, trimming or cutting  
23 off the whole or part of the ear or ears of a dog when  
24 the dog is anesthetized and shall not prevent any person  
25 from causing or procuring the cropping, trimming or  
26 cutting off of a dog's ear or ears by a veterinarian.

27 (iii) The possession by any person of a dog with an  
28 ear or ears cropped, trimmed or cut off and with the  
29 wound or incision site resulting therefrom unhealed, or  
30 any such dog being found in the charge or custody of any

1 person or confined upon the premises owned by or under  
2 the control of any person, shall be prima facie evidence  
3 of a violation of this subsection by the person except as  
4 provided for in this subsection.

5 (iv) A person who procures the cropping, trimming or  
6 cutting off of the whole or part of an ear or ears of a  
7 dog shall record the procedure. The record shall include  
8 the name of the attending veterinarian and the date and  
9 location at which the procedure was performed. The record  
10 shall be kept as long as the wound or incision site is  
11 unhealed and shall be transferred with the dog during  
12 that period of time.

13 (2) (i) A person commits a summary offense if the  
14 person debarks a dog by cutting, causing or procuring the  
15 cutting of its vocal cords or by altering, causing or  
16 procuring the alteration of any part of its resonance  
17 chamber.

18 (ii) The provisions of this paragraph shall not  
19 prevent a veterinarian from cutting the vocal cords or  
20 otherwise altering the resonance chamber of a dog when  
21 the dog is anesthetized and shall not prevent a person  
22 from causing or procuring a debarking procedure by a  
23 veterinarian.

24 (iii) The possession by any person of a dog with the  
25 vocal cords cut or the resonance chamber otherwise  
26 altered and with the wound or incision site resulting  
27 therefrom unhealed, or any such dog being found in the  
28 charge or custody of any person or confined upon the  
29 premises owned by or under the control of any person,  
30 shall be prima facie evidence of a violation of this

1 paragraph by the person, except as provided in this  
2 paragraph.

3 (iv) A person who procures the cutting of vocal  
4 cords or the alteration of the resonance chamber of a dog  
5 shall record the procedure. The record shall include the  
6 name of the attending veterinarian and the date and  
7 location at which the procedure was performed. The record  
8 shall be kept as long as the wound or incision site is  
9 unhealed and shall be transferred with the dog during  
10 that period of time.

11 (3) (i) A person commits a summary offense if the  
12 person docks, cuts off, causes or procures the docking or  
13 cutting off of the tail of a dog over five days old.

14 (ii) The provisions of this paragraph shall not  
15 prevent a veterinarian from docking, cutting off or  
16 cropping the whole or part of the tail of a dog when the  
17 dog is at least 12 weeks of age and the procedure is  
18 performed using general anesthesia and shall not prevent  
19 a person from causing or procuring the cutting off or  
20 docking of a tail of a dog by a veterinarian as provided  
21 in this paragraph.

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

30 (iv) The possession by any person of a dog with a

1 tail cut off or docked and with the wound or incision  
2 site resulting therefrom unhealed, or any such dog being  
3 found in the charge or custody of any person or confined  
4 upon the premises owned by or under the control of any  
5 person, shall be prima facie evidence of a violation of  
6 this paragraph by the person, except as provided in this  
7 paragraph.

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

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

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

23 (iii) The possession by any person of a dog with a  
24 wound or incision site resulting from a surgical birth  
25 unhealed, or any such dog being found in the charge or  
26 custody of any person or confined upon the premises owned  
27 by or under the control of any person, shall be prima  
28 facie evidence of a violation of this paragraph by the  
29 person, except as provided in this paragraph.

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

1 dog shall record the procedure. The record shall include  
2 the name of the attending veterinarian and the date and  
3 location at which the procedure was performed. The record  
4 shall be kept as long as the wound or incision site is  
5 unhealed and shall be transferred with the dog during  
6 that period of time.

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

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

18 (ii) The provisions of this paragraph shall not  
19 prevent a veterinarian from cutting the dewclaw and shall  
20 not prevent a person from causing or procuring the  
21 procedure by a veterinarian.

22 (iii) The possession by any person of a dog with the  
23 dewclaw cut off and with the wound or incision site  
24 resulting therefrom unhealed, or any such dog being found  
25 in the charge or custody of any person or confined upon  
26 the premises owned by or under the control of any person,  
27 shall be prima facie evidence of a violation of this  
28 paragraph by the person, except as provided in this  
29 paragraph.

30 (iv) A person who procures the cutting off of the

1 dewclaw of a dog shall record the procedure. The record  
2 shall include the name of the attending veterinarian and  
3 the date and location at which the procedure was  
4 performed. The record shall be kept as long as the wound  
5 or incision site is unhealed and shall be transferred  
6 with the dog during that period of time.

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

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

11 (2) receives compensation for the admission of another  
12 person to any place kept or used for animal fighting;

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

16 (4) in any way knowingly encourages, aids or assists  
17 therein;

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

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

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

23 This subsection shall not apply to activity undertaken in a  
24 normal agricultural operation.

25 (h.2) Possession of animal fighting paraphernalia.--In  
26 addition to any other penalty provided by law, a person commits  
27 a misdemeanor of the third degree if he knowingly owns or  
28 possesses animal fighting paraphernalia.

29 (i) Power to initiate criminal proceedings.--An agent of any  
30 society or association for the prevention of cruelty to animals,

1 incorporated under the laws of the Commonwealth, shall have the  
2 same powers to initiate criminal proceedings provided for police  
3 officers by the Pennsylvania Rules of Criminal Procedure. An  
4 agent of any society or association for the prevention of  
5 cruelty to animals, incorporated under the laws of this  
6 Commonwealth, shall have standing to request any court of  
7 competent jurisdiction to enjoin any violation of this section.

8 (j) Seizure of animals kept or used for animal fighting.--

9 Any police officer or agent of a society or association for the  
10 prevention of cruelty to animals incorporated under the laws of  
11 this Commonwealth, shall have power to seize any animal kept,  
12 used, or intended to be used for animal fighting. When the  
13 seizure is made, the animal or animals so seized shall not be  
14 deemed absolutely forfeited, but shall be held by the officer or  
15 agent seizing the same until a conviction of some person is  
16 first obtained for a violation of subsection (h.1) or forfeiture  
17 is obtained under the act of July 9, 2013 (P.L.263, No.50),  
18 known as the Costs of Care of Seized Animals Act. The officer or  
19 agent making such seizure shall make due return to the issuing  
20 authority, of the number and kind of animals or creatures so  
21 seized by him. Where an animal is thus seized, the police  
22 officer or agent is authorized to provide such care as is  
23 reasonably necessary, and where any animal thus seized is found  
24 to be disabled, injured or diseased beyond reasonable hope of  
25 recovery, the police officer or agent is authorized to provide  
26 for the humane destruction of the animal. In addition to any  
27 other penalty provided by law, the authority imposing sentence  
28 upon a conviction for any violation of subsection (h.1) shall  
29 order the forfeiture or surrender of any abused, neglected or  
30 deprived animal of the defendant to any society or association

1 for the prevention of cruelty to animals duly incorporated under  
2 the laws of this Commonwealth and shall require that the owner  
3 pay the cost of the keeping, care and destruction of the animal.

4 (k) Killing homing pigeons.--A person commits a summary  
5 offense if he shoots, maims or kills any antwerp or homing  
6 pigeon, either while on flight or at rest, or detains or entraps  
7 any such pigeon which carries the name of its owner.

8 (l) Search warrants.--Where a violation of this section is  
9 alleged, any issuing authority may, in compliance with the  
10 applicable provisions of the Pennsylvania Rules of Criminal  
11 Procedure, issue to any police officer or any agent of any  
12 society or association for the prevention of cruelty to animals  
13 duly incorporated under the laws of this Commonwealth a search  
14 warrant authorizing the search of any building or any enclosure  
15 in which any violation of this section is occurring or has  
16 occurred, and authorizing the seizure of evidence of the  
17 violation including, but not limited to, the animals which were  
18 the subject of the violation. Where an animal thus seized is  
19 found to be neglected or starving, the police officer or agent  
20 is authorized to provide such care as is reasonably necessary,  
21 and where any animal thus seized is found to be disabled,  
22 injured or diseased beyond reasonable hope of recovery, the  
23 police officer or agent is authorized to provide for the humane  
24 destruction of the animal. The cost of the keeping, care and  
25 destruction of the animal shall be paid by the owner thereof and  
26 claims for the costs shall constitute a lien upon the animal. In  
27 addition to any other penalty provided by law, the authority  
28 imposing sentence upon a conviction for any violation of this  
29 section may require that the owner pay the cost of the keeping,  
30 care and destruction of the animal. No search warrant shall be

1 issued based upon an alleged violation of this section which  
2 authorizes any police officer or agent or other person to enter  
3 upon or search premises where scientific research work is being  
4 conducted by, or under the supervision of, graduates of duly  
5 accredited scientific schools or where biological products are  
6 being produced for the care or prevention of disease.

7 (m) Forfeiture.--In addition to any other penalty provided  
8 by law, the authority imposing sentence upon a conviction for  
9 any violation of this section may order the forfeiture or  
10 surrender of any abused, neglected or deprived animal of the  
11 defendant to any society or association for the prevention of  
12 cruelty to animals duly incorporated under the laws of this  
13 Commonwealth.

14 (m.1) Fine for summary offense.--In addition to any other  
15 penalty provided by law, a person convicted of a summary offense  
16 under this section shall pay a fine of not less than \$50 nor  
17 more than \$750 or to imprisonment for not more than 90 days, or  
18 both.

19 (m.2) Prohibition of ownership.--Notwithstanding any  
20 provision of law and in addition to any other penalty provided  
21 by law, the authority imposing sentence upon a conviction for  
22 any violation of this section may order the prohibition or  
23 limitation of the defendant's ownership, possession, control or  
24 custody of animals or employment with the care of animals for a  
25 period of time not to exceed the statutory maximum term of  
26 imprisonment applicable to the offense for which sentence is  
27 being imposed.

28 (n) Skinning of and selling or buying pelts of dogs and  
29 cats.--A person commits a summary offense if he skins a dog or  
30 cat or offers for sale or exchange or offers to buy or exchange

1 the pelt or pelts of any dog or cat.

2 (o) Representation of humane society by attorney.--Upon  
3 prior authorization and approval by the district attorney of the  
4 county in which the proceeding is held, an association or agent  
5 may be represented in any proceeding under this section by any  
6 attorney admitted to practice before the Supreme Court of  
7 Pennsylvania and in good standing. Attorney's fees shall be  
8 borne by the humane society or association which is represented.

9 (o.1) Construction of section.--The provisions of this  
10 section shall not supersede the act of December 7, 1982  
11 (P.L.784, No.225), known as the Dog Law.

12 (p) Applicability of section.--This section shall not apply  
13 to, interfere with or hinder any activity which is authorized or  
14 permitted pursuant to the act of June 3, 1937 (P.L.1225,  
15 No.316), known as The Game Law or Title 34 (relating to game).

16 (q) Definitions.--As used in this section, the following  
17 words and phrases shall have the meanings given to them in this  
18 subsection:

19 "Animal fighting." Fighting or baiting any bull, bear, dog,  
20 cock or other creature.

21 "Animal fighting paraphernalia." Any device, implement,  
22 object or drug used or intended to be used for animal fighting,  
23 to train an animal for animal fighting or in furtherance of  
24 animal fighting. In determining whether an object is animal  
25 fighting paraphernalia, a court or other authority should  
26 consider statements by an owner or by anyone in control of the  
27 object concerning its use, any prior convictions under Federal  
28 or State law relating to animal fighting, the proximity of the  
29 object in time and space to the direct violation of this  
30 section, direct or circumstantial evidence of the intent of the

1 accused to deliver the object to persons whom he or she knows or  
2 should reasonably know intends to use the object to facilitate a  
3 violation of this section, oral or written instructions provided  
4 with or in the vicinity of the object concerning its use,  
5 descriptive materials accompanying the object which explain or  
6 depict its use and all other logically relevant factors.

7 "Audibly impaired." The inability to hear air conduction  
8 thresholds at an average of 40 decibels or greater in the better  
9 ear.

10 "Blind." Having a visual acuity of 20/200 or less in the  
11 better eye with correction or having a limitation of the field  
12 of vision such that the widest diameter of the visual field  
13 subtends an angular distance not greater than 20 degrees.

14 "Conveyance." A truck, tractor, trailer or semitrailer, or  
15 any combination of these, propelled or drawn by mechanical  
16 power.

17 "Deaf." Totally impaired hearing or hearing with or without  
18 amplification which is so seriously impaired that the primary  
19 means of receiving spoken language is through other sensory  
20 input, including, but not limited to, lip reading, sign  
21 language, finger spelling or reading.

22 "Domestic animal." Any dog, cat, equine animal, bovine  
23 animal, sheep, goat or porcine animal.

24 "Domestic fowl." Any avis raised for food, hobby or sport.

25 "Equine animal." Any member of the Equidae family, which  
26 includes horses, asses, mules, ponies and zebras.

27 "Normal agricultural operation." Normal activities,  
28 practices and procedures that farmers adopt, use or engage in  
29 year after year in the production and preparation for market of  
30 poultry, livestock and their products in the production and

1 harvesting of agricultural, agronomic, horticultural,  
2 silvicultural and aquicultural crops and commodities.

3 "Physically limited." Having limited ambulation, including,  
4 but not limited to, a temporary or permanent impairment or  
5 condition that causes an individual to use a wheelchair or walk  
6 with difficulty or insecurity, affects sight or hearing to the  
7 extent that an individual is insecure or exposed to danger,  
8 causes faulty coordination or reduces mobility, flexibility,  
9 coordination or perceptiveness.

10 "Zoo animal." Any member of the class of mammalia, aves,  
11 amphibia or reptilia which is kept in a confined area by a  
12 public body or private individual for purposes of observation by  
13 the general public.]

14 Section 3. Section 5511.1 of Title 18 is amended by adding a  
15 subsection to read:

16 § 5511.1. Live animals as prizes prohibited.

17 \* \* \*

18 (a.1) Regulating certain actions concerning fowl or  
19 rabbits.--No person shall sell, offer for sale, barter or give  
20 away baby chickens, ducklings or other fowl under one month of  
21 age or rabbits under two months of age as pets, toys, premiums  
22 or novelties or color, dye, stain or otherwise change the  
23 natural color of baby chickens, ducklings or other fowl or  
24 rabbits or bring or transport the same into this Commonwealth.  
25 This subsection shall not be construed to prohibit the sale or  
26 display of baby chickens, ducklings or other fowl or rabbits in  
27 proper facilities by persons engaged in the business of selling  
28 them for purposes of commercial breeding and raising.

29 \* \* \*

30 Section 4. Chapter 55 of Title 18 is amended by adding a

1 subchapter to read:

2 SUBCHAPTER B

3 CRUELTY TO ANIMALS

4 Sec.

5 5531. Definitions.

6 5532. Neglect of animal.

7 5533. Cruel treatment of animal.

8 5534. Aggravated cruelty to animals.

9 5535. Attack of guide dog.

10 5536. Selling or using disabled horse.

11 5537. Transporting animals in cruel manner.

12 5538. Transporting equine animals in cruel manner.

13 5539. Hours of labor of animals.

14 5540. Cruelty to cow to enhance appearance of udder.

15 5541. Animal mutilation and related offenses.

16 5542. Animal fighting.

17 5543. Possession of animal fighting paraphernalia.

18 5544. Killing homing pigeons.

19 5545. Skinning of and selling or buying pelts of dogs and cats.

20 5546. Fine and term of imprisonment for summary offense.

21 5547. Power to initiate criminal proceedings.

22 5548. Seizure of animals kept or used for animal fighting.

23 5549. Search warrants.

24 5550. Forfeiture.

25 5551. Prohibition of ownership.

26 5552. Representation of humane society by attorney.

27 5553. Construction of subchapter.

28 5554. Nonapplicability of subchapter.

29 § 5531. Definitions.

30 The following words and phrases when used in this subchapter

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "Animal." Every living creature, domestic or wild, but does  
4 not include man.

5 "Animal fighting." Fighting or baiting any bull, bear, dog,  
6 cock or other creature.

7 "Animal fighting paraphernalia." Any device, implement,  
8 object or drug used or intended to be used for animal fighting,  
9 to train an animal for animal fighting or in furtherance of  
10 animal fighting. In determining whether an object is animal  
11 fighting paraphernalia, a court or other authority should  
12 consider the following:

13 (1) Statements by an owner or by anyone in control of  
14 the object concerning its use.

15 (2) Any prior convictions under Federal or State law  
16 relating to animal fighting.

17 (3) The proximity of the object in time and space to the  
18 direct violation of this subchapter.

19 (4) Direct or circumstantial evidence of the intent of  
20 the accused to deliver the object to persons whom he or she  
21 knows or should reasonably know intends to use the object to  
22 facilitate a violation of this subchapter.

23 (5) Oral or written instructions provided with or in the  
24 vicinity of the object concerning its use.

25 (6) Descriptive materials accompanying the object which  
26 explain or depict its use.

27 (7) All other logically relevant factors.

28 "Audibly impaired." The inability to hear air conduction  
29 thresholds at an average of 40 decibels or greater in the better  
30 ear.

1 "Blind." Having a visual acuity of 20/200 or less in the  
2 better eye with correction or having a limitation of the field  
3 of vision such that the widest diameter of the visual field  
4 subtends an angular distance not greater than 20 degrees.

5 "Bodily injury." Impairment of physical condition or  
6 substantial pain.

7 "Conveyance." A truck, tractor, trailer or semitrailer, or  
8 any combination of these, propelled or drawn by mechanical  
9 power.

10 "Deaf." Totally impaired hearing or hearing with or without  
11 amplification which is so seriously impaired that the primary  
12 means of receiving spoken language is through other sensory  
13 input, including, but not limited to, lip reading, sign  
14 language, finger spelling or reading.

15 "Domestic animal." Any dog, cat, equine animal, bovine  
16 animal, sheep, goat or porcine animal.

17 "Domestic fowl." Any avian raised for food, hobby or sport.

18 "Equine animal." Any member of the Equidae family, which  
19 includes horses, asses, mules, ponies and zebras.

20 "Normal agricultural operation." Normal activities,  
21 practices and procedures that farmers adopt, use or engage in  
22 year after year in the production and preparation for market of  
23 poultry, livestock and their products in the production and  
24 harvesting of agricultural, agronomic, horticultural,  
25 silvicultural and aquicultural crops and commodities.

26 "Owner." A person who:

27 (1) has a right of property in an animal;

28 (2) keeps or harbors an animal;

29 (3) has an animal in his care; or

30 (4) acts as custodian of an animal.

1 "Person." An individual, including a minor, firm,  
2 corporation, partnership, other business unit, society,  
3 association or other legal entity, any public or private  
4 institution, the Commonwealth or any municipal corporation or  
5 political subdivision of the Commonwealth.

6 "Physically limited." Having limited ambulation, including,  
7 but not limited to, a temporary or permanent impairment or  
8 condition that causes an individual to use a wheelchair or walk  
9 with difficulty or insecurity, affects sight or hearing to the  
10 extent that an individual is insecure or exposed to danger,  
11 causes faulty coordination or reduces mobility, flexibility,  
12 coordination or perceptiveness.

13 "Serious bodily injury." Bodily injury which creates a  
14 substantial risk of death or which causes serious, permanent  
15 disfigurement or protracted loss or impairment of the function  
16 of any bodily member or organ.

17 "Torture." Any of the following acts directed toward or  
18 against an animal unless directed to be performed by a licensed  
19 veterinarian:

20 (1) Breaking, severing or severely impairing limbs.

21 (2) Inflicting severe and prolonged pain from burning,  
22 crushing or wounding.

23 (3) Causing or allowing, through prolonged deprivation  
24 of food or sustenance, the loss of more than one-third of an  
25 animal's normal body mass without veterinary care.

26 § 5532. Neglect of animal.

27 (a) Duties of owner.--An owner commits an offense if the  
28 owner fails to provide any of the following for each animal of  
29 the owner:

30 (1) A sufficient quantity of any commercially available

1 food prepared for the species or other good quality,  
2 wholesome food and potable water.

3 (2) Adequate shelter and protection from the weather.  
4 The shelter must be sufficient in size and material to permit  
5 the animal to retain its body heat and keep the animal dry.

6 (3) Veterinary care when needed to prevent suffering.  
7 (b) Penalty.--

8 (1) Except as set forth in paragraph (2), a person who  
9 violates this section commits a summary offense.

10 (2) If the violation causes bodily injury to the animal:

11 (i) For a first offense, a person commits a  
12 misdemeanor of the second degree.

13 (ii) For a second or subsequent offense, a person  
14 commits a misdemeanor of the first degree.

15 § 5533. Cruel treatment of animal.

16 (a) Offense defined.--A person commits an offense if he  
17 wantonly or cruelly illtreats, overloads, beats, abandons or  
18 abuses an animal, and such treatment results in bodily harm to  
19 the animal.

20 (b) Penalties.--A person convicted of violating this section  
21 commits a misdemeanor of the second degree for a first offense.  
22 A second or subsequent offense under this section is a  
23 misdemeanor of the first degree.

24 § 5534. Aggravated cruelty to animals.

25 (a) Offense defined.--A person commits the crime of  
26 aggravated cruelty to animals if the person intentionally does  
27 any of the following:

28 (1) Tortures an animal.

29 (2) Violates section 5532 (relating to neglect of  
30 animal) or 5533 (relating to cruel treatment of animal)

1 resulting in serious bodily injury to the animal or the death  
2 of the animal.

3 (b) Grading.--A violation of this section is a felony of the  
4 third degree.

5 § 5535. Attack of guide dog.

6 (a) Offense defined.--A person commits a misdemeanor of the  
7 third degree if he is the owner or co-owner of a dog that kills,  
8 maims or disfigures a guide dog of an individual who is blind, a  
9 hearing dog of an individual who is deaf or audibly impaired or  
10 a service dog of an individual who is physically limited without  
11 provocation by the guide, hearing or service dog or the  
12 individual.

13 (b) Culpability.--A person commits an offense under this  
14 section only if the person knew or should have known that the  
15 dog he owns or co-owns had a propensity to attack human beings  
16 or domestic animals without provocation and the owner or co-  
17 owner knowingly or recklessly failed to restrain the dog or keep  
18 the dog in a contained, secure manner.

19 (c) Penalty.--Any person convicted of violating this section  
20 shall be sentenced to pay a fine of not more than \$5,000 and  
21 shall be ordered to make reparations for veterinary costs in  
22 treating the guide, hearing or service dog and, if necessary,  
23 the cost of obtaining and training a replacement guide, hearing  
24 or service dog.

25 (d) Civil penalty and restitution.--

26 (1) A person who is the owner or co-owner of a dog that  
27 kills, maims or disfigures a guide dog of an individual who  
28 is blind, a hearing dog of an individual who is deaf or  
29 audibly impaired or a service dog of an individual who is  
30 physically limited shall be subject to paragraph (2) if both

1 of the following apply:

2 (i) The owner or co-owner knew the dog had a  
3 propensity to attack human beings or domestic animals.

4 (ii) The owner or co-owner failed to restrain the  
5 dog or keep the dog in a contained, secure manner.

6 (2) A court of common pleas may impose any of the  
7 following upon any person who is the owner or co-owner of a  
8 dog under paragraph (1):

9 (i) A civil penalty of up to \$15,000.

10 (ii) Reparations for veterinary costs in treating  
11 the guide, hearing or service dog and, if necessary, the  
12 cost of retraining the dog or of obtaining and training a  
13 replacement guide, hearing or service dog.

14 (iii) Loss of income for the time the individual is  
15 unable to work due to the unavailability of the guide,  
16 hearing or service dog.

17 § 5536. Selling or using disabled horse.

18 A person commits a summary offense if he offers for sale or  
19 sells any horse, which by reason of debility, disease or  
20 lameness, or for other cause, could not be worked or used  
21 without violating the laws against cruelty to animals, or leads,  
22 rides, drives or transports any such horse for any purpose,  
23 except that of conveying the horse to the nearest available  
24 appropriate facility for its humane keeping or destruction or  
25 for medical or surgical treatment.

26 § 5537. Transporting animals in cruel manner.

27 (a) Offense defined.--A person commits a summary offense if  
28 he carries, or causes or allows to be carried, in or upon any  
29 cart or other vehicle whatsoever any animal in a cruel or  
30 inhumane manner. The person taking him into custody may take

1 charge of the animal and of any such vehicle and its contents,  
2 and deposit the same in some safe place of custody, and any  
3 necessary expenses which may be incurred for taking charge of  
4 and keeping the same, and sustaining any such animal, shall be a  
5 lien thereon, to be paid before the same can lawfully be  
6 recovered, or the expenses or any part thereof remaining unpaid  
7 may be recovered by the person incurring the same from the owner  
8 of the creature in any action therefor.

9 (b) Exception.--For the purposes of this section, it shall  
10 not be deemed cruel or inhumane to transport live poultry in  
11 crates so long as not more than 15 pounds of live poultry are  
12 allocated to each cubic foot of space in the crate.

13 § 5538. Transporting equine animals in cruel manner.

14 Notwithstanding any other provision of law, a person commits  
15 a summary offense for each equine animal if the person carries,  
16 or causes or allows to be carried, any equine animal in or upon  
17 any conveyance or other vehicle whatsoever with two or more  
18 levels stacked on top of one another. A person who violates this  
19 section on a second or subsequent occasion commits a misdemeanor  
20 of the third degree for each equine animal transported.

21 § 5539. Hours of labor of animals.

22 (a) Offense defined.--A person commits a summary offense if  
23 he leads, drives, rides or works or causes or permits any other  
24 person to lead, drive, ride or work any horse, mare, mule, ox or  
25 any other animal, whether belonging to himself or in his  
26 possession or control, for more than 15 hours in any 24-hour  
27 period or more than 90 hours in any one week.

28 (b) Construction.--Nothing in this section contained shall  
29 be construed to warrant any persons leading, driving, riding or  
30 walking any animal a period less than 15 hours, when doing so

1 shall in any way violate the laws against cruelty to animals.  
2 § 5540. Cruelty to cow to enhance appearance of udder.

3 A person commits a summary offense if he kneads or beats or  
4 pads the udder of any cow, or willfully allows it to go unmilked  
5 for a period of 24 hours or more, for the purpose of enhancing  
6 the appearance or size of the udder of the cow, or by a muzzle  
7 or any other device prevents its calf, if less than six weeks  
8 old, from obtaining nourishment, and thereby relieving the udder  
9 of the cow, for a period of 24 hours.

10 § 5541. Animal mutilation and related offenses.

11 (a) Cropping of ear.--The following apply:

12 (1) A person commits a summary offense if the person  
13 crops, trims or cuts off, or causes or procures to be  
14 cropped, trimmed or cut off, the whole or part of the ear or  
15 ears of a dog.

16 (2) The provisions of this subsection shall not prevent  
17 a veterinarian from cropping, trimming or cutting off the  
18 whole or part of the ear or ears of a dog when the dog is  
19 anesthetized and shall not prevent any person from causing or  
20 procuring the cropping, trimming or cutting off of a dog's  
21 ear or ears by a veterinarian.

22 (3) The possession by any person of a dog with an ear or  
23 ears cropped, trimmed or cut off and with the wound or  
24 incision site resulting therefrom unhealed, or any such dog  
25 being found in the charge or custody of any person or  
26 confined upon the premises owned by or under the control of  
27 any person, shall be prima facie evidence of a violation of  
28 this subsection by the person except as provided for in this  
29 subsection.

30 (4) A person who procures the cropping, trimming or

1 cutting off of the whole or part of an ear or ears of a dog  
2 shall record the procedure. The record shall include the name  
3 of the attending veterinarian and the date and location at  
4 which the procedure was performed. The record shall be kept  
5 as long as the wound or incision site is unhealed and shall  
6 be transferred with the dog during that period of time.

7 (b) Debarking.--The following apply:

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

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

17 (3) The possession by any person of a dog with the vocal  
18 cords cut or the resonance chamber otherwise altered and with  
19 the wound or incision site resulting therefrom unhealed, or  
20 any such dog being found in the charge or custody of any  
21 person or confined upon the premises owned by or under the  
22 control of any person, shall be prima facie evidence of a  
23 violation of this subsection by the person, except as  
24 provided in this subsection.

25 (4) A person who procures the cutting of vocal cords or  
26 the alteration of the resonance chamber of a dog shall record  
27 the procedure. The record shall include the name of the  
28 attending veterinarian and the date and location at which the  
29 procedure was performed. The record shall be kept as long as  
30 the wound or incision site is unhealed and shall be

1 transferred with the dog during that period of time.

2 (c) Docking of tail.--The following apply:

3 (1) A person commits a summary offense if the person  
4 docks, cuts off, causes or procures the docking or cutting  
5 off of the tail of a dog over five days old.

6 (2) The provisions of this subsection shall not prevent  
7 a veterinarian from docking, cutting off or cropping the  
8 whole or part of the tail of a dog when the dog is at least  
9 12 weeks of age and the procedure is performed using general  
10 anesthesia and shall not prevent a person from causing or  
11 procuring the cutting off or docking of a tail of a dog by a  
12 veterinarian as provided in this subsection.

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

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

28 (5) A person who procures the cutting off or docking of  
29 a tail of a dog shall record the procedure. The record shall  
30 include the name of the attending veterinarian and the date

1 and location at which the procedure was performed. The record  
2 shall be kept as long as the wound or incision site is  
3 unhealed and shall be transferred with the dog during that  
4 period of time.

5 (d) Surgical birth.--The following apply:

6 (1) A person commits a summary offense if the person  
7 surgically births or causes or procures a surgical birth.

8 (2) The provisions of this subsection shall not prevent  
9 a veterinarian from surgically birthing a dog when the dog is  
10 anesthetized and shall not prevent any person from causing or  
11 procuring a surgical birthing by a veterinarian.

12 (3) The possession by any person of a dog with a wound  
13 or incision site resulting from a surgical birth unhealed, or  
14 any such dog being found in the charge or custody of any  
15 person or confined upon the premises owned by or under the  
16 control of any person, shall be prima facie evidence of a  
17 violation of this subsection by the person, except as  
18 provided in this subsection.

19 (4) A person who procures the surgical birth of a dog  
20 shall record the procedure. The record shall include the name  
21 of the attending veterinarian and the date and location at  
22 which the procedure was performed. The record shall be kept  
23 as long as the wound or incision site is unhealed and shall  
24 be transferred with the dog during that period of time.

25 (5) This subsection shall not apply to personnel  
26 required to comply with standards to minimize pain to an  
27 animal set forth in section 2143(a)(3) of the Animal Welfare  
28 Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.), trained in  
29 accordance with section 2143(d) of the Animal Welfare Act,  
30 who work in a federally registered research facility required

1 to comply with the Animal Welfare Act under the guidance or  
2 oversight of a veterinarian.

3 (e) Declawing.--The following apply:

4 (1) A person commits a summary offense if the person  
5 cuts off or causes or procures the cutting off of the dewclaw  
6 of a dog over five days old.

7 (2) The provisions of this subsection shall not prevent  
8 a veterinarian from cutting the dewclaw and shall not prevent  
9 a person from causing or procuring the procedure by a  
10 veterinarian.

11 (3) The possession by any person of a dog with the  
12 dewclaw cut off and with the wound or incision site resulting  
13 therefrom unhealed, or any such dog being found in the charge  
14 or custody of any person or confined upon the premises owned  
15 by or under the control of any person, shall be prima facie  
16 evidence of a violation of this subsection by the person,  
17 except as provided in this subsection.

18 (4) A person who procures the cutting off of the dewclaw  
19 of a dog shall record the procedure. The record shall include  
20 the name of the attending veterinarian and the date and  
21 location at which the procedure was performed. The record  
22 shall be kept as long as the wound or incision site is  
23 unhealed and shall be transferred with the dog during that  
24 period of time.

25 (f) Additional penalty.--In addition to any other penalty  
26 provided by law, upon conviction for violating this section, the  
27 court may order the convicted person to undergo a psychological  
28 or psychiatric evaluation and to undergo any treatment at the  
29 convicted person's expense that the court determines to be  
30 appropriate after due consideration of the evaluation.

1 § 5542. Animal fighting.

2 (a) Offense defined.--A person commits a felony of the third  
3 degree if he:

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

6 (2) receives compensation for the admission of another  
7 person to any place kept or used for animal fighting;

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

11 (4) in any way knowingly encourages, aids or assists  
12 therein;

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

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

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

18 (b) Nonapplicability.--This section shall not apply to  
19 activity undertaken in a normal agricultural operation.

20 § 5543. Possession of animal fighting paraphernalia.

21 In addition to any other penalty provided by law, a person  
22 commits a misdemeanor of the third degree if he knowingly owns  
23 or possesses animal fighting paraphernalia.

24 § 5544. Killing homing pigeons.

25 A person commits a summary offense if he shoots, maims or  
26 kills any antwerp or homing pigeon, either while on flight or at  
27 rest, or detains or entraps any such pigeon which carries the  
28 name of its owner.

29 § 5545. Skinning of and selling or buying pelts of dogs and  
30 cats.

1 A person commits a summary offense if he skins a dog or cat  
2 or offers for sale or exchange or offers to buy or exchange the  
3 pelt or pelts of any dog or cat.

4 § 5546. Fine and term of imprisonment for summary offense.

5 A person convicted of a summary offense under this subchapter  
6 shall, upon conviction, be sentenced to pay a fine of not less  
7 than \$100 or to imprisonment for not more than 90 days, or both.

8 § 5547. Power to initiate criminal proceedings.

9 An agent of any society or association for the prevention of  
10 cruelty to animals, incorporated under the laws of this  
11 Commonwealth, shall have the same powers to initiate criminal  
12 proceedings provided for police officers by the Pennsylvania  
13 Rules of Criminal Procedure. An agent of any society or  
14 association for the prevention of cruelty to animals,  
15 incorporated under the laws of this Commonwealth, shall have  
16 standing to request any court of competent jurisdiction to  
17 enjoin any violation of this subchapter.

18 § 5548. Seizure of animals kept or used for animal fighting.

19 Any police officer or agent of a society or association for  
20 the prevention of cruelty to animals incorporated under the laws  
21 of this Commonwealth shall have power to seize any animal kept,  
22 used or intended to be used for animal fighting. When the  
23 seizure is made, the animal or animals so seized shall not be  
24 deemed absolutely forfeited but shall be held by the officer or  
25 agent seizing the same until a conviction of some person is  
26 first obtained for a violation of section 5542 (relating to  
27 animal fighting) or forfeiture is obtained under the act of July  
28 9, 2013 (P.L.263, No.50), known as the Costs of Care of Seized  
29 Animals Act. The officer or agent making such seizure shall make  
30 due return to the issuing authority of the number and kind of

1 animals or creatures so seized by him. Where an animal is thus  
2 seized, the police officer or agent is authorized to provide  
3 such care as is reasonably necessary and, where any animal thus  
4 seized is found to be disabled, injured or diseased beyond  
5 reasonable hope of recovery, the police officer or agent is  
6 authorized to provide for the humane destruction of the animal.  
7 In addition to any other penalty provided by law, the authority  
8 imposing sentence upon a conviction for any violation of section  
9 5542 shall order the forfeiture or surrender of any abused,  
10 neglected or deprived animal of the defendant to any society or  
11 association for the prevention of cruelty to animals duly  
12 incorporated under the laws of this Commonwealth and shall  
13 require that the owner pay the cost of the keeping, care and  
14 destruction of the animal.

15 § 5549. Search warrants.

16 Where a violation of this subchapter is alleged, any issuing  
17 authority may, in compliance with the applicable provisions of  
18 the Pennsylvania Rules of Criminal Procedure, issue to any  
19 police officer or any agent of any society or association for  
20 the prevention of cruelty to animals duly incorporated under the  
21 laws of this Commonwealth a search warrant authorizing the  
22 search of any building or any enclosure in which any violation  
23 of this subchapter is occurring or has occurred and authorizing  
24 the seizure of evidence of the violation, including, but not  
25 limited to, the animals which were the subject of the violation.

26 Where an animal thus seized is found to be neglected or  
27 starving, the police officer or agent is authorized to provide  
28 such care as is reasonably necessary and, where any animal thus  
29 seized is found to be disabled, injured or diseased beyond  
30 reasonable hope of recovery, the police officer or agent is

1 authorized to provide for the humane destruction of the animal.  
2 The cost of the keeping, care and destruction of the animal  
3 shall be paid by the owner thereof and claims for the costs  
4 shall constitute a lien upon the animal. In addition to any  
5 other penalty provided by law, the authority imposing sentence  
6 upon a conviction for any violation of this subchapter may  
7 require that the owner pay the cost of the keeping, care and  
8 destruction of the animal. No search warrant shall be issued  
9 based upon an alleged violation of this subchapter which  
10 authorizes any police officer or agent or other person to enter  
11 upon or search premises where scientific research work is being  
12 conducted by or under the supervision of graduates of duly  
13 accredited scientific schools or where biological products are  
14 being produced for the care or prevention of disease.  
15 § 5550. Forfeiture.

16 In addition to any other penalty provided by law, the  
17 authority imposing sentence upon a conviction for any violation  
18 of this subchapter may order the forfeiture or surrender of any  
19 abused, neglected or deprived animal of the defendant to any  
20 society or association for the prevention of cruelty to animals  
21 duly incorporated under the laws of this Commonwealth.

22 § 5551. Prohibition of ownership.

23 Notwithstanding any provision of law and in addition to any  
24 other penalty provided by law, the authority imposing sentence  
25 upon a conviction for any violation of this subchapter may order  
26 the prohibition or limitation of the defendant's ownership,  
27 possession, control or custody of animals or employment with the  
28 care of animals for a period of time not to exceed the statutory  
29 maximum term of imprisonment applicable to the offense for which  
30 sentence is being imposed. Any humane society police officer,

1 law enforcement officer or Dog Law warden shall have authority  
2 to ensure compliance with this section and may notify the local  
3 district attorney who may petition the court to remove any  
4 animals kept in violation of this section.

5 § 5552. Representation of humane society by attorney.

6 Upon prior authorization and approval by the district  
7 attorney of the county in which the proceeding is held, an  
8 association or agent may be represented in any proceeding under  
9 this subchapter by any attorney admitted to practice before the  
10 Supreme Court of Pennsylvania and in good standing. Attorney  
11 fees shall be borne by the humane society or association which  
12 is represented.

13 § 5553. Construction of subchapter.

14 The provisions of this subchapter shall not supersede the act  
15 of December 7, 1982 (P.L.784, No.225), known as the Dog Law.

16 § 5554. Nonapplicability of subchapter.

17 (a) Game law.--This subchapter shall not apply to, interfere  
18 with or hinder any activity which is authorized or permitted  
19 under 34 Pa.C.S. (relating to game).

20 (b) Exemptions.--The provisions of this subchapter that  
21 relate to cruelty to animals, cruel treatment of animals and  
22 aggravated cruelty to animals shall not apply to the following:

23 (1) The killing of a dog or cat by the owner of that  
24 animal if it is accomplished in accordance with the act of  
25 December 22, 1983 (P.L.303, No.83), known as the Animal  
26 Destruction Method Authorization Law.

27 (2) The killing of any animal found pursuing, wounding  
28 or killing any domestic animal or domestic fowl.

29 (3) The killing of any animal or fowl under 34 Pa.C.S.  
30 §§ 2384 (relating to declaring dogs public nuisances) and

1 2385 (relating to destruction of dogs declared public  
2 nuisances) or regulations promulgated under 34 Pa.C.S.

3 (4) Such reasonable activity as may be undertaken with  
4 vermin control or pest control.

5 (5) Activity undertaken in normal agricultural  
6 operation.

7 (6) Conduct that is lawful under the laws of the United  
8 States or this Commonwealth relating to activities undertaken  
9 by a research facility that is one of the following:

10 (i) Registered and inspected under the Animal  
11 Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.).

12 (ii) Subject to the Public Health Service Policy on  
13 Humane Care and Use of Laboratory Animals provided for  
14 under the Public Health Service Act (58 Stat. 682, 42  
15 U.S.C. § 201 et seq.).

16 (iii) Subject to the provisions of 21 CFR Pt. 58  
17 (relating to good laboratory practice for nonclinical  
18 laboratory studies) under the Federal Food, Drug and  
19 Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.) or  
20 the Public Health Service Act.

21 Section 5. This act shall take effect in 60 days.