
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. **940** Session of
2021

INTRODUCED BY RIGBY, E. NELSON, KNOWLES, RYAN, KULIK, JAMES, SMITH, GUENST, POLINCHOCK, SCHMITT, THOMAS, SANKEY, SILVIS, FARRY, KAIL, KAUFFMAN, STRUZZI, SCHLEGEL CULVER, DAVANZO, DRISCOLL, JOZWIAK, HERSHEY, CAUSER, GREGORY, ECKER, OBERLANDER, MOUL, ZIMMERMAN, WHEELAND, MERCURI, MASSER, SAINATO, GILLEN AND C. WILLIAMS, MARCH 17, 2021

SENATOR BAKER, JUDICIARY, IN SENATE, AS AMENDED, JUNE 21, 2022

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 35 (HEALTH AND SAFETY), 42 (JUDICIARY AND JUDICIAL PROCEDURE) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in burglary and other criminal intrusion, further providing for definitions, for the offense of burglary and for the offense of criminal trespass; in cruelty to animals, further providing for police animals; IN EMERGENCY MEDICAL SERVICES SYSTEM, PROVIDING FOR INJURED POLICE ANIMALS; IN IMMUNITIES GENERALLY, FURTHER PROVIDING FOR EMERGENCY RESPONSE PROVIDER AND BYSTANDER GOOD SAMARITAN CIVIL IMMUNITY; and, in employees, providing for canine training standards for police officers. <--

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Section 3501 of Title 18 of the Pennsylvania
16 Consolidated Statutes is amended by adding a definition to read:
17 § 3501. Definitions.

18 Subject to additional definitions contained in subsequent
19 provisions of this chapter which are applicable to specific
20 provisions of this chapter, the following words or phrases when

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

3 "Domestic animal." As defined in section 5531 (relating to
4 definitions).

5 * * *

6 Section 2. Sections 3502 and 3503 of Title 18 are amended by
7 adding subsections to read:

8 § 3502. Burglary.

9 * * *

10 (d.1) Sentencing enhancement.--The Pennsylvania Commission
11 on Sentencing, in accordance with 42 Pa.C.S. § 2154 (relating to
12 adoption of guidelines for sentencing), shall provide for a
13 sentencing enhancement for courts to consider in cases involving
14 burglary where a domestic animal is harmed or killed in the
15 course of the burglary.

16 * * *

17 § 3503. Criminal trespass.

18 * * *

19 (c.1) Sentencing enhancement.--The Pennsylvania Commission
20 on Sentencing, in accordance with 42 Pa.C.S. § 2154 (relating to
21 adoption of guidelines for sentencing), shall provide for a
22 sentencing enhancement for courts to consider in cases involving
23 criminal trespass where a domestic animal is harmed or killed in
24 the course of the criminal trespass.

25 * * *

26 Section 3. Section 5548 of Title 18 is amended to read:

27 § 5548. Police animals.

28 (a) Illegal to taunt police animals.--It shall be unlawful
29 for a person to intentionally or knowingly taunt, torment,
30 tease, beat, kick or strike a police animal. A person who

1 violates the provisions of this subsection commits a felony of
2 the third degree.

3 (b) Illegal to torture or kill police animals.--It shall be
4 unlawful for a person to [intentionally]:

5 (1) Intentionally or knowingly torture, mutilate,
6 injure, disable, poison or kill a police animal. A person who
7 violates the provisions of this [subsection] paragraph
8 commits a felony of the second degree.

9 (2) Recklessly torture, mutilate, injure, disable,
10 poison or kill a police animal. A person who violates the
11 provisions of this paragraph commits a misdemeanor of the
12 first degree.

13 (b.1) Illegal to torture or kill police animals during
14 perpetration of felony.--It shall be unlawful for a person to
15 torture, mutilate, injure, disable, poison or kill a police
16 animal while engaged as a principal or an accomplice in the
17 perpetration of a felony. A person who violates the provisions
18 of this subsection commits a felony of the third degree.

19 (c) Restitution.--In a case in which a defendant is
20 convicted of a violation of subsection (a) [or (b)], (b) or
21 (b.1) the defendant shall be ordered to make restitution to the
22 agency or individual owning the animal for veterinary bills, for
23 replacement costs of the animal if it is disabled or killed and
24 for the salary of the animal's handler for the period of time
25 the handler's services are lost to the agency.

26 SECTION 4. TITLE 35 IS AMENDED BY ADDING A SECTION TO READ: <--
27 § 8158. INJURED POLICE ANIMALS.

28 (A) TRANSPORTATION.--AN EMERGENCY RESPONSE PROVIDER MAY
29 TRANSPORT A POLICE ANIMAL INJURED IN THE LINE OF DUTY TO A
30 VETERINARY CLINIC, HOSPITAL EMERGENCY DEPARTMENT OR SIMILAR

1 FACILITY IF THERE IS NO INDIVIDUAL REQUIRING IMMEDIATE MEDICAL
2 ATTENTION OR TRANSPORT AT THAT TIME.

3 (B) EMERGENCY MEDICAL CARE.--AN EMERGENCY RESPONSE PROVIDER
4 MAY PROVIDE EMERGENCY MEDICAL CARE TO A POLICE ANIMAL INJURED IN
5 THE LINE OF DUTY WHILE AT THE SCENE OF THE EMERGENCY OR WHILE
6 THE POLICE ANIMAL IS BEING TRANSPORTED TO A VETERINARY CLINIC,
7 HOSPITAL EMERGENCY DEPARTMENT OR SIMILAR FACILITY.

8 (C) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
9 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
10 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

11 "POLICE ANIMAL." AS DEFINED IN 18 PA.C.S. § 5531 (RELATING
12 TO DEFINITIONS).

13 SECTION 5. SECTION 8332(D) OF TITLE 42 IS AMENDED AND THE
14 SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

15 § 8332. EMERGENCY RESPONSE PROVIDER AND BYSTANDER GOOD
16 SAMARITAN CIVIL IMMUNITY.

17 * * *

18 (B.1) INJURED POLICE ANIMALS.--A PERSON, INCLUDING AN
19 EMERGENCY RESPONSE PROVIDER, WHETHER TRAINED TO PRACTICE
20 MEDICINE, WHO, IN GOOD FAITH, RENDERS EMERGENCY CARE, TREATMENT,
21 FIRST AID OR RESCUE TO AN INJURED POLICE ANIMAL AT THE SCENE OF
22 AN EMERGENCY EVENT OR CRIME OR WHO MOVES AN INJURED POLICE
23 ANIMAL RECEIVING EMERGENCY CARE, TREATMENT, FIRST AID OR RESCUE
24 TO A HOSPITAL OR OTHER PLACE OF MEDICAL CARE SHALL NOT BE LIABLE
25 FOR ANY CIVIL DAMAGES AS A RESULT OF RENDERING AID, EXCEPT IN AN
26 ACT OR OMISSION INTENTIONALLY DESIGNED TO HARM OR ANY GROSSLY
27 NEGLIGENT ACTS OR OMISSIONS WHICH RESULT IN HARM TO THE POLICE
28 ANIMAL RECEIVING EMERGENCY CARE, TREATMENT, FIRST AID OR RESCUE
29 OR WHILE BEING MOVED TO A HOSPITAL OR OTHER PLACE OF MEDICAL
30 CARE.

1 * * *

2 [(D) DEFINITION.--FOR THE PURPOSES OF THIS SECTION, THE TERM
3 "EMERGENCY RESPONSE PROVIDER" INCLUDES FEDERAL, STATE AND LOCAL
4 EMERGENCY PUBLIC SAFETY, LAW ENFORCEMENT, EMERGENCY RESPONSE,
5 EMERGENCY MEDICAL SERVICES PERSONNEL, RESPONSE TEAMS, AGENCIES
6 AND AUTHORITIES, EXCLUDING HOSPITAL EMERGENCY FACILITIES AND
7 RELATED PERSONNEL.]

8 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
9 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
10 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

11 "EMERGENCY RESPONSE PROVIDER." THE TERM INCLUDES FEDERAL,
12 STATE AND LOCAL EMERGENCY PUBLIC SAFETY, LAW ENFORCEMENT,
13 EMERGENCY RESPONSE, EMERGENCY MEDICAL SERVICES PERSONNEL,
14 RESPONSE TEAMS, AGENCIES AND AUTHORITIES. THE TERM DOES NOT
15 INCLUDE HOSPITAL EMERGENCY FACILITIES AND RELATED PERSONNEL.

16 "POLICE ANIMALS." AS DEFINED IN 18 PA.C.S. § 5531 (RELATING
17 TO DEFINITIONS).

18 Section 4 6. Title 53 is amended by adding a section to <--
19 read:

20 § 2172. Canine training standards for police officers.

21 (a) Establishment.--The commission, in collaboration with
22 the Pennsylvania State Police and municipal police department
23 canine units or officers, shall establish police officer canine
24 training and certification standards, including all of the
25 following:

26 (1) Standards for initial certifications.

27 (2) Standards for maintenance certifications.

28 (3) Record keeping policies and procedures for police
29 department canine units or officers.

30 (b) Updates.--The commission shall review and update the

1 standards under subsection (a) as the commission deems necessary
2 and at least every two years.

3 (c) Notice.--The commission shall transmit notice of the
4 standards established and updated under this section to the
5 Legislative Reference Bureau for publication in the Pennsylvania
6 Bulletin.

7 Section 5 7. This act shall take effect in 60 days.

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