

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1114 Session of
2023

INTRODUCED BY SHUSTERMAN, McNEILL, SCHLOSSBERG, GALLOWAY,
MADDEN, SANCHEZ, CIRESI, WARREN, HOWARD, KHAN, WEBSTER,
ISAACSON, M. MACKENZIE, R. MACKENZIE AND BOROWSKI,
MAY 5, 2023

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
MAY 5, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in offenses against public order and
3 decency, further providing for the offense of transporting
4 animals in cruel manner.

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

7 Section 1. Section 5538 of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 5538. Transporting animals in cruel manner.

10 (a) Offense defined.--A person commits a summary offense if
11 the person [carries,] does any of the following:

12 (1) Carries, or causes or allows to be carried, in or
13 upon any cart or other vehicle whatsoever an animal in a
14 cruel or inhumane manner.

15 (2) For the purpose of a performance, transports a
16 performance animal in a mobile or traveling housing facility
17 for the purpose of participation in a traveling animal act.

1 (a.1) Custody.--The person taking the offender into custody
2 may take charge of the animal and of the vehicle and the
3 vehicle's contents, and deposit the same in a safe place of
4 custody, and the necessary expenses that may be incurred for
5 taking charge of and keeping the same, and sustaining the
6 animal, shall be a lien thereon, to be paid before the same can
7 lawfully be recovered, or the expenses or any part thereof
8 remaining unpaid may be recovered by the person incurring the
9 same from the owner of the animal in an action therefor.

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

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

17 "Mobile or traveling housing facility." A transporting
18 vehicle such as a truck, trailer or railway car, used to
19 transport or house a performance animal while traveling for a
20 performance.

21 "Performance." An exhibition, public showing, presentation,
22 display, exposition, fair, animal act, circus, ride, trade show,
23 petting zoo, carnival, parade, race or other similar event in
24 which a performance animal is required to perform tricks, give
25 rides or participate as accompaniments for entertainment,
26 amusement or the benefit of a live audience. The term does not
27 include a performance that takes place at a nonmobile, permanent
28 institution or other fixed facility if the performance animal is
29 not transported to the location for the purpose of a
30 performance.

1 "Performance animal." Any of the following:

2 (1) Bear.

3 (2) Cheetah.

4 (3) Clouded leopard.

5 (4) Cougar.

6 (5) Elephant.

7 (6) Giraffe.

8 (7) Grey or red kangaroo.

9 (8) Hippopotamus.

10 (9) Jaguar.

11 (10) Leopard.

12 (11) Lion.

13 (12) Nonhuman primate.

14 (13) Rhinoceros.

15 (14) Sea lion.

16 (15) Seal.

17 (16) Shark.

18 (17) Tapir.

19 (18) Tiger.

20 (19) Zebra.

21 "Traveling animal act." The transportation of a performance
22 animal for the purpose of a performance in a mobile or traveling
23 housing facility.

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