



**HOUSE COMMITTEE ON APPROPRIATIONS**  
2009-10 Legislative Session

**FISCAL NOTE**

**HOUSE BILL: 39**

**PRINTER'S NO: 2058**

**PRIME SPONSOR: Caltagirone**

<b>FISCAL IMPACT SUMMARY</b>	<b>FY 2009/10</b>	<b>FY 2010/11</b>
<b>Expenditure Increase/(Decrease):</b>		
General Fund	\$0	\$0

**OVERVIEW:**

House Bill 39 amends Section 5111 (Cruelty to Animals) of Title 18 (Crimes and Offenses) by providing for specific violations that constitute cruelty to animals. Under this legislation, a person may commit a summary offense if he:

- 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;
- debarks a dog by cutting, causing or procuring the cutting of its vocal cords by altering, causing or procuring the alteration of any part of its resonance chamber;
- docks, cuts off or procures the docking or cutting off of the tail of a dog over five days old;
- surgically births or causes or procures a surgical birth; or
- cuts off or causes or procures the cutting off of the dewclaw of a dog over five days old.

House Bill 39 allows exceptions for these procedures to be conducted by licensed veterinarians. A veterinarian may perform ear cropping, surgical birth, and debarking procedures only when the dog is anesthetized. Tail docking of a dog may be performed by an owner within five days of the dog's birth. When a dog is between five days old and 12 weeks old, tail docking may be performed by a veterinarian only if the procedure is deemed medically necessary for the health and welfare of the dog. With respect to surgical births, an exception to the prohibition of non-veterinarians performing such procedures is allowed for personnel working in federally registered research facilities.

Owners of dogs who undergo procedures outlined in House Bill 39 must keep a record of the surgery that includes the name of the attending veterinarian and the date and location where the procedure was performed. The record is to be kept as long as the wound or incision site is unhealed and should be transferred with the dog during that period of time. If a dog is found with an "unhealed" wound related to one of the specified procedures in this bill, and the owner is unable to produce a veterinary record, the owner will be charged with a summary offense.

This legislation also amends 18 PA.C.S §5511(H.1) by including the act of stealing or acquiring in any manner an animal for animal fighting.

The amendment of 18PA.C.S §5511(H.1) takes effect in 60 days; the remainder of this act takes effect immediately.

**ANALYSIS:**

House Bill 39 introduces new statutes to the crimes code and it is not possible to determine the number of individuals who would be convicted of summary offenses if this bill is enacted. A summary offense carries a term of imprisonment of up to 90 days and a maximum fine of \$300.

It is not possible to predict the number of individuals who may be convicted of summary offenses should House Bill 39 be enacted. Incarceration of up to 90 days would impact county jails where the average cost of housing an inmate is \$50 per day.

While this legislation is expected to have minimal fiscal impact, if considered in conjunction with other legislation that increases the grading of penalties or creates new penalties, the impact to state and/or local governments may be substantial.

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**DATE:** August 19, 2009

**General Note and Disclaimer:** *This Fiscal Note was prepared pursuant to House Rule 19(a), and the elements considered and reported above are required by Section 5 of the rule. Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*