



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 940

PRINTERS NO. 3285

PRIME SPONSOR: Rigby

COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
General Fund	\$0	See Fiscal Impact

SUMMARY:

House Bill 940 amends the Crimes Code (Title 18) concerning police animals and domestic animals, the Municipal Code (Title 53) concerning canine training standards for police officers, Title 35 (Health and Safety) concerning injured police animals, and the Judicial Code concerning emergency response provider and bystander good Samaritan immunity. It would take effect in 60 days.

ANALYSIS:

Under current law it is a felony of the second degree to intentionally or knowingly torture, mutilate, injure, disable, poison, or kill a police animal. House Bill 940 would make it a misdemeanor of the first degree to commit such actions recklessly. A misdemeanor of the first degree has a maximum possible sentence of up to 5 years in prison and/or a \$10,000 fine.

Additionally, HB 940 would make it a felony of the third degree for an individual to torture, mutilate, injure, disable, poison or kill a police animal while they are engaged in the commission of a felony. This will include when the individual is a principal or accomplice of the underlying felony. A felony of the third degree has a maximum possible sentence of up to 7 years in prison and/or a \$15,000 fine.

This legislation also adds sentencing enhancements for the crimes of burglary and criminal trespass. The Pennsylvania Commission on Sentencing must provide for a sentencing enhancement for courts to consider in cases involving burglary or criminal trespass where a domestic animal is harmed or killed during the commission of the crime.

This bill also adds new section to Title 35 (Health and Safety) concerning injured police animals. It allows emergency response providers to provide medical care and transport a police animal injured in the line of duty to a veterinary clinic, hospital emergency department or similar facility.

The Judicial Code is amended concerning injured police animals to provide a person, including an emergency response provider, civil immunity for damages as a result of rendering emergency

care, treatment, first aid or rescue to an injured police animal at the scene of an emergency if they were acting in good faith.

House Bill 940 also adds a new section to the Municipal Code (Title 53) concerning canine training standards for police officers. It requires the Municipal Police Officers' Education and Training Commission to establish police canine training and certification standards, review and update those standards at least every two years, and transmit notice of the standards established and updated for publication in the Pennsylvania Bulletin.

FISCAL IMPACT:

According to the Pennsylvania Commission on Sentencing, in 2018 there were two convictions under current law for intentionally torturing, mutilating, injuring, disabling, poisoning, or killing a police animal and in 2019 there were four. Data do not exist to determine how many people may be convicted and sentenced for recklessly committing these crimes as provided for in HB 940.

The addition of a sentencing enhancement in cases involving burglary or criminal trespass where a domestic animal is harmed or killed during the commission of the crime could increase costs for county jails and state correctional institutions if sentences for these crimes increase. However, data are not available on how often animals are killed or harmed during these crimes to estimate a potential cost.

The addition of the new section concerning canine training standards for police officers and the other provisions of the bill should have no adverse impact on Commonwealth funds.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: July 7, 2022

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.