

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** House Bill 82

**PRINTER'S NO.** 2154

**AMOUNT**

No Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

January 10, 2013

**PRIME SPONSOR**

Representative Ellis

**HISTORY OF BILL**

Referred to AGRICULTURE AND RURAL AFFAIRS, Jan. 10, 2013

Reported as committed, Jan. 15, 2013

First consideration, Jan. 15, 2013

Laid on the table, Jan. 15, 2013

Removed from table, Jan. 15, 2013

Second consideration, Jan. 16, 2013

Re-committed to APPROPRIATIONS, Jan. 16, 2013

Re-reported as committed, Jan. 22, 2013

Third consideration and final passage, Jan. 23, 2013 (163-34)

(Remarks see House Journal Page ), Jan. 23, 2013

In the Senate

Referred to JUDICIARY, Jan. 25, 2013

Reported as amended, June 11, 2013

First consideration, June 11, 2013

Re-referred to APPROPRIATIONS, June 12, 2013

Re-reported as amended, June 25, 2013

**DESCRIPTION AND PURPOSE OF BILL**

House Bill 82 creates a free standing act entitled the "Costs of Care of Seized Animals Act" to provide for actions for the cost of care of animals seized under §5511 (relating to cruelty to animals) of Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes.

Specifically, this legislation allows for a petition to be filed with the Court of Common Pleas for the reasonable costs of care, as defined in the act, for any animal seized under 18 Pa.C.S. §5511 (relating to cruelty to animals) where related criminal charges have been filed, by any of the following:

- A County or municipal official; or
- A society or association or other incorporated nonprofit organization providing care for the animals.

# SENATE APPROPRIATIONS COMMITTEE

## FISCAL NOTE

“Reasonable costs of care” are limited to \$15 per day per animal, in addition to necessary medical care, as determined by a licensed veterinarian and documented by invoices.

This legislation details the process and procedure for filing and serving the above mentioned petitions and provides for a court hearing to be held not less than 14 days but not more than 21 days from the service of the petition to determine the responsibility of a defendant for reasonable costs of care, the dollar amount and a schedule of monthly payments. A costs order shall be issued by the court no later than five days after the commencement of the hearing. Payments shall begin no later than seven days after service of the costs order.

If a defendant subject to a costs order fails to timely pay any of the amounts ordered, the following shall apply:

- A seized animal for which the reasonable costs of care were ordered shall be automatically forfeited to the petitioner;
- The petitioner shall obtain all rights and privileges in and over the animals; and
- The petitioner shall provide the owner with notice of the nonpayment by certified mail at the owner’s last known address informing the owner that the forfeiture described above shall occur without further notice if the payment default is not remedied in full within 10 days of the mailing of the notice.

Payment of reasonable costs of care shall not prevent the petitioner from doing any of the following:

- Providing necessary medical care, including euthanizing any seized animal if the petitioner obtains a written opinion from a licensed veterinarian who states it is necessary to alleviate the animal’s suffering;
- Transferring to another facility or caretaker a seized animal if any of the following apply:
  - 1) The court orders the transfer;
  - 2) The owner of the animal surrenders all rights to the animal; or
  - 3) Filing with the court that entered the costs order a request seeking permission to return a seized animal to an owner who is not charged under 18 Pa.C.S. §5511 (relating to cruelty to animals).

The petitioner is prohibited from spaying, neutering or otherwise affecting the reproductive health of a seized animal unless the owner:

- Surrenders all rights of ownership of the animal in writing;
- Fails to timely pay any amounts ordered by the court in a costs order;
- Consents to the surgery in writing; or
- The petitioner obtains a written opinion from a licensed veterinarian who states that the procedure is medically necessary for the health of the animal.

# **SENATE APPROPRIATIONS COMMITTEE**

## **FISCAL NOTE**

The costs order shall be terminated upon the occurrence of any of the following:

- The issuance of a final judgment on the criminal charge for a violation of 18 Pa.C.S. §5511 (relating to cruelty to animals);
- The defendant or owner of the animals surrenders all rights to the animals;  
or
- The seized animals being no longer under the control of the petitioner.

If no related criminal charge mentioned above results in a conviction and, if all costs ordered to be paid have been timely paid, the owner shall have the right to repossession of the animal and to a return of all reasonable costs of care.

The legislation allows for immunity to the petitioner from civil liability for damages alleged by the defendant or owner concerning the care provided by the petitioner, except for intentional misconduct or gross negligence resulting in the death of an animal. It also states that nothing in the act shall apply to animals used for activities undertaken in a normal agricultural operation.

Finally, this legislation allows for the court, in its discretion, to waive the requirement for the defendant to pay the costs of care for a seized animal in which case only one animal was seized and the defendant is able to prove indigency and submits a signed affidavit to the court.

This Act shall take effect in 60 days.

### **FISCAL IMPACT:**

Enactment of this legislation will have no fiscal impact on Commonwealth funds, although it could potentially result in an indeterminable amount of savings to local law enforcement agencies and animal control agencies throughout the Commonwealth.