

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 940

PRINTER NO. 3285

AMOUNT

See Fiscal Impact

FUND

General Fund

DATE INTRODUCED

March 17, 2021

PRIME SPONSOR

Representative Rigby

DESCRIPTION

House Bill 940 amends Titles 18 (Crimes and Offenses), 35 (Health and Safety), 42 (Judiciary and Judicial Procedure) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to provide for certain sentence enhancements, injured police animals, good Samaritan civil immunity and canine training standards.

Title 18

- A new subsection is added to § 3502 (relating to burglary) to require the Pennsylvania Commission on Sentencing (commission) to provide for a sentencing enhancement for courts to consider in cases involving burglary where a domestic animal is harmed or killed in the course of the burglary.
- A new subsection is added to § 3503 (relating to criminal trespass) to require the commission to provide for a sentencing enhancement for courts to consider in cases involving criminal trespass where a domestic animal is harmed or killed in the course of the trespass.
- § 5548 (relating to police animals) is amended as follows:
 - Makes it a felony of the second degree to intentionally or knowingly torture, mutilate, injure, disable, poison or kill a police animal. A felony of the second degree is punishable by a term of imprisonment, the maximum of which is not more than ten years and/or a fine not exceeding \$25,000;
 - Makes it a misdemeanor of the first degree to recklessly torture, mutilate, injure, disable, poison or kill a police animal. A misdemeanor of the first degree is punishable by a term of imprisonment, the maximum of which is not more than five years and/or a fine not exceeding \$10,000;
 - Makes it a felony of the third degree to torture, mutilate, injure, disable, poison or kill a police animal while they are engaged in the commission of a felony. This includes an individual that is a principal or accomplice of the underlying felony. A felony of the third degree is punishable by a term of imprisonment, the maximum of which is not more than seven years and/or a fine not exceeding \$15,000.

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

Title 35

- Adds a new § 8158 (relating to injured police animals) to allow 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; and
- Defines "police animal" as defined in 18 Pa.C.S. § 5531 (relating to definitions).

Title 42

- A new subsection to § 8332 (relating to injured police animals) is added 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;
- Adds the following definitions:
 - Defines "emergency response provider" as a federal, state and local emergency public safety, law enforcement, emergency response, emergency medical services personnel, response teams, agencies and authorities. The term does not include hospital emergency facilities and related personnel; and
 - Defines "police animal" as defined in 18 Pa.C.S. § 5531 (relating to definitions).

Title 53

- A new § 2172 (relating to canine training standards for police officers) is added to require the Municipal Police Officers' Education and Training Commission (MPOETC), in collaboration with the Pennsylvania State Police (PSP) and municipal police department canine units or officers, to establish police officer canine training and certification standards, including all of the following:
 - 1) Standards for initial certifications;
 - 2) Standards for maintenance certifications; and
 - 3) Record keeping policies and procedures for police department canine units or officers.
- Requires the MPOETC to review and update the standards mentioned above as the commission deems necessary and at least every two years; and
- Requires the MPOETC to transmit notice of the standards established and updated under this section to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

This act shall take effect in 60 days.

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

FISCAL IMPACT:

According to the Pennsylvania Commission on Sentencing, there were two convictions in 2018 and four convictions in 2019 for intentionally torturing, mutilating, injuring, disabling, poisoning or killing a police animal under current statute. This legislation amends the statute to add the same offense when committed while acting recklessly.

The addition of sentence enhancements for convictions 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.

According to the Pennsylvania Department of Corrections, the marginal cost per inmate/per day for less than 300 inmates is approximately \$35.39. Assuming ten additional sentences of a term of imprisonment for an average of four years as a result of the amendment to Title 18, along with the sentence enhancements, this would result in the department incurring an additional cost of approximately \$129,173 annually.

Any costs to the MPOETC related to fulfilling the additional duties outlined in this legislation would be capable of being accommodated within the agency's current workload and budget.

Enactment of the remainder of this legislation will have no fiscal impact on Commonwealth funds.