

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 306 Session of 1997

INTRODUCED BY KASUNIC, MELLOW, COSTA, HART, WOZNIAK, ARMSTRONG,
AFFLERBACH AND RHOADES, JANUARY 29, 1997

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, JANUARY 29, 1997

AN ACT

1 Amending the act of December 7, 1982 (P.L.784, No.225),
2 entitled, as amended, "An act relating to dogs, regulating
3 the keeping of dogs; providing for the licensing of dogs and
4 kennels; providing for the protection of dogs and the
5 detention and destruction of dogs in certain cases;
6 regulating the sale and transportation of dogs; declaring
7 dogs to be personal property and the subject of theft;
8 providing for the abandonment of animals, providing for the
9 assessment of damages done to animals; providing for payment
10 of damages by the Commonwealth in certain cases and the
11 liability of the owner or keeper of dogs for such damages;
12 imposing powers and duties on certain State and local
13 officers and employees; providing penalties; and creating a
14 Dog Law Restricted Account," providing for civil liability
15 arising out of attacks by dangerous dogs; and further
16 providing for registration.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. The heading of section 501 of the act of December
20 7, 1982 (P.L.784, No.225), known as the Dog Law, amended
21 December 11, 1996 (P.L. , No.151), and repealed in part May
22 31, 1990 (P.L.213, No.46), is amended and the section is amended
23 by adding a subsection to read:

24 Section 501. Killing dogs; dogs as nuisances; civil liability.

1 * * *

2 (e) Civil liability.--Except as provided in section 507-
3 A(b), the owner of any dangerous dog as previously determined
4 pursuant to Article V-A that inflicts severe injury or death to
5 any human being due to an attack shall be civilly liable for all
6 damages arising out of such attack.

7 Section 2. Section 502-A(a) of the act, amended December 11,
8 1996 (P.L. , No.151) is amended to read:

9 Section 502-A. Registration.

10 (a) Summary offense of harboring a dangerous dog.--Any
11 person who has been attacked by one or more dogs, or anyone on
12 behalf of such person, a person whose domestic animal has been
13 killed or injured without provocation, the State dog warden or
14 the local police officer may file a complaint before a district
15 justice, charging the owner or keeper of such a dog with
16 harboring a dangerous dog. The district justice may impose
17 penalties set forth under section 505-A(a) through (d). A
18 penalty under section 505-A(b), however, may not be imposed
19 unless the dog has been determined in a previous case to be a
20 dangerous dog. The owner or keeper of the dog shall be guilty of
21 the summary offense of harboring a dangerous dog if the district
22 justice finds beyond a reasonable doubt that the following
23 elements of the offense have been proven:

24 (1) The dog has done one or more of the following:

25 (i) Inflicted severe injury on a human being without
26 provocation on public or private property.

27 (ii) Killed or inflicted severe injury on a domestic
28 animal without provocation while off the owner's
29 property.

30 (iii) Attacked a human being without provocation.

1 (iv) Been used in the commission of a crime.
2 (2) The dog has either or both of the following:
3 (i) A history of attacking human beings and/or
4 domestic animals without provocation.
5 (ii) A propensity to attack human beings and/or
6 domestic animals without provocation. A propensity to
7 attack may be proven by a single incident of the conduct
8 described in paragraphs (i)(i), (ii), (iii) or (iv).
9 (3) The defendant is the owner or keeper of the dog.
10 * * *
11 Section 3. This act shall take effect immediately.