

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2445

Session of
2002

INTRODUCED BY BROOKS, BUNT, ALLEN, ARGALL, BARD, BASTIAN,
BELARDI, BELFANTI, BROWNE, CAPPELLI, CASORIO, CLYMER,
L. I. COHEN, DALEY, DALLY, DIGIROLAMO, DIVEN, FREEMAN, GEIST,
HARHAI, HARPER, HENNESSEY, HERMAN, HORSEY, KAISER, KENNEY,
LEH, LEWIS, MARKOSEK, MCGEEHAN, R. MILLER, NAILOR, PHILLIPS,
PIPPY, PISTELLA, READSHAW, ROSS, RUBLEY, SATHER, SAYLOR,
SCHRODER, SEMMEL, SHANER, STABACK, STEELMAN, STEIL, STERN,
R. STEVENSON, E. Z. TAYLOR, J. TAYLOR, TIGUE, TRICH, WATERS,
WATSON, YOUNGBLOOD, BEBKO-JONES, WILT, LAUGHLIN, PETRARCA,
CORNELL, J. EVANS, G. WRIGHT, SAINATO, PALLONE, ADOLPH,
ROEBUCK, HABAY AND MCNAUGHTON, MARCH 25, 2002

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 8, 2002

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for cruelty to
3 animals.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 5511(a) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 5511. Cruelty to animals.

9 (a) Killing, maiming or poisoning domestic animals or zoo
10 animals, etc.--

11 (1) A person commits a misdemeanor of the second degree
12 if he willfully and maliciously:

13 (i) Kills, maims or disfigures any domestic animal

1 of another person or any domestic fowl of another person.

2 (ii) Administers poison to or exposes any poisonous
3 substance with the intent to administer such poison to
4 any domestic animal of another person or domestic fowl of
5 another person.

6 (iii) Harasses, annoys, injures, attempts to injure,
7 molests or interferes with a dog guide for an individual
8 who is blind, a hearing dog for an individual who is deaf
9 or audibly impaired or a service dog for an individual
10 who is physically limited.

11 Any person convicted of violating the provisions of this
12 paragraph shall be sentenced to pay a fine of not less than
13 \$500.

14 (2) A person commits a felony of the third degree if he
15 willfully and maliciously:

16 (i) Kills, maims or disfigures any zoo animal in
17 captivity.

18 (ii) Administers poison to or exposes any poisonous
19 substance with the intent to administer such poison to
20 any zoo animal in captivity.

21 (iii) Kills, maims or disfigures a dog guide for an
22 individual who is blind, a hearing dog for an individual
23 who is deaf or audibly impaired or a service dog for an
24 individual who is physically limited, whether belonging
25 to the individual or otherwise. IN ADDITION TO ANY OTHER <—
26 APPLICABLE PENALTY, A PERSON CONVICTED UNDER THIS
27 SUBPARAGRAPH SHALL BE REQUIRED TO MAKE REPARATIONS FOR
28 VETERINARY COSTS IN TREATING THE DOG AND, IF NECESSARY,
29 THE COST OF OBTAINING AND TRAINING A REPLACEMENT DOG.

30 (2.1) (i) A person commits a misdemeanor of the first

1 degree if he willfully and maliciously:

2 (A) Kills, maims, mutilates, tortures or
3 disfigures any dog or cat, whether belonging to
4 himself or otherwise.

5 (B) Administers poison to or exposes any
6 poisonous substance with the intent to administer
7 such poison to any dog or cat, whether belonging to
8 himself or otherwise.

9 (ii) Any person convicted of violating the
10 provisions of this paragraph shall be sentenced to pay a
11 fine of not less than \$1,000 or to imprisonment for not
12 more than two years, or both. The court may also order a
13 presentence mental evaluation. A subsequent conviction
14 under this paragraph shall be a felony of the third
15 degree. This paragraph shall apply to dogs and cats only.

16 (iii) The killing of a dog or cat by the owner of
17 that animal is not malicious if it is accomplished in
18 accordance with the act of December 22, 1983 (P.L.303,
19 No.83), referred to as the Animal Destruction Method
20 Authorization Law.

21 (3) This subsection shall not apply to:

22 (i) the killing of any animal taken or found in the
23 act of actually destroying any domestic animal or
24 domestic fowl;

25 (ii) the killing of any animal or fowl pursuant to
26 the act of June 3, 1937 (P.L.1225, No.316), known as The
27 Game Law, or 34 Pa.C.S. §§ 2384 (relating to declaring
28 dogs public nuisances) and 2385 (relating to destruction
29 of dogs declared public nuisances), or the regulations
30 promulgated thereunder; or

1 (iii) such reasonable activity as may be undertaken
2 in connection with vermin control or pest control.

3 * * *

4 Section 2. This act shall take effect in 60 days.