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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2445

Session of  
2002

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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, McNAUGHTON AND J. BAKER, MARCH 25, 2002

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SENATOR BRIGHTBILL, RULES AND EXECUTIVE NOMINATIONS, IN SENATE,  
RE-REPORTED AS AMENDED, NOVEMBER 25, 2002

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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. IF A PERSON KILLS, MAIMS, <—  
5 MUTILATES, TORTURES OR DISFIGURES A DOG GUIDE FOR AN  
6 INDIVIDUAL WHO IS BLIND, A HEARING DOG FOR AN  
7 INDIVIDUAL WHO IS DEAF OR AUDIBLY IMPAIRED OR A  
8 SERVICE DOG FOR AN INDIVIDUAL WHO IS PHYSICALLY  
9 LIMITED, WHETHER BELONGING TO THE INDIVIDUAL OR  
10 OTHERWISE, THAT PERSON IN ADDITION TO ANY OTHER  
11 APPLICABLE PENALTY SHALL BE REQUIRED TO MAKE  
12 REPARATIONS FOR VETERINARY COSTS IN TREATING THE DOG  
13 AND, IF NECESSARY, THE COST OF OBTAINING AND TRAINING  
14 A REPLACEMENT DOG.

15 (B) Administers poison to or exposes any  
16 poisonous substance with the intent to administer  
17 such poison to any dog or cat, whether belonging to  
18 himself or otherwise.

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

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

1           (3) This subsection shall not apply to:

2           (i) the killing of any animal taken or found in the  
3 act of actually destroying any domestic animal or  
4 domestic fowl;

5           (ii) the killing of any animal or fowl pursuant to  
6 the act of June 3, 1937 (P.L.1225, No.316), known as The  
7 Game Law, or 34 Pa.C.S. §§ 2384 (relating to declaring  
8 dogs public nuisances) and 2385 (relating to destruction  
9 of dogs declared public nuisances), or the regulations  
10 promulgated thereunder; or

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

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