

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 442 Session of
2007

INTRODUCED BY SAINATO, SCAVELLO, READSHAW, STABACK, PETRONE,
ROEBUCK, CALTAGIRONE, BUXTON, GIBBONS, GOODMAN, WALKO,
YOUNGBLOOD, REICHLEY, CASORIO, LEACH, MELIO, SWANGER,
O'NEILL, BENNINGHOFF, CAPPELLI, GRUCELA, FABRIZIO, PALLONE,
GINGRICH, PETRI, PETRARCA, RAYMOND, MARKOSEK, PRESTON,
J. EVANS, SIPTROTH, BENNINGTON, MAHONEY, THOMAS, RUBLEY,
FREEMAN, HARHAI AND LONGIETTI, FEBRUARY 26, 2007

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 26, 2007

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

15 (ii) Administers poison to or exposes any poisonous
16 substance with the intent to administer such poison to

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

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

8 Any person convicted of violating the provisions of this
9 paragraph shall be sentenced to pay a fine of not less than
10 \$500.

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

13 (i) Kills, maims or disfigures any zoo animal in
14 captivity.

15 (ii) Administers poison to or exposes any poisonous
16 substance with the intent to administer such poison to
17 any zoo animal in captivity.

18 (2.1) (i) A person commits a misdemeanor of the first
19 degree if he willfully and maliciously:

20 (A) Kills, maims, mutilates, tortures or
21 disfigures any dog or cat, whether belonging to
22 himself or otherwise. If a person kills, maims,
23 mutilates, tortures or disfigures a dog guide for an
24 individual who is blind, a hearing dog for an
25 individual who is deaf or audibly impaired or a
26 service dog for an individual who is physically
27 limited, whether belonging to the individual or
28 otherwise, that person, in addition to any other
29 applicable penalty, shall be required to make
30 reparations for veterinary costs in treating the dog

1 and, if necessary, the cost of obtaining and training
2 a replacement dog.

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

7 (ii) Any person convicted of violating the
8 provisions of this paragraph shall be sentenced to pay a
9 fine of not less than [\$1,000] \$2,500 or to imprisonment
10 for not more than [two] five years, or both. The court
11 may also order a presentence mental evaluation. A
12 subsequent conviction under this paragraph shall be a
13 felony of the third degree. This paragraph shall apply to
14 dogs and cats only.

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

20 (3) This subsection shall not apply to:

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

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

30 (iii) such reasonable activity as may be undertaken

1 in connection with vermin control or pest control.

2 * * *

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