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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 499**      Session of  
2007

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INTRODUCED BY DiGIROLAMO, O'NEILL, SCAVELLO, READSHAW, BELFANTI,  
BENNINGTON, BUXTON, CAPPELLI, CASORIO, DePASQUALE, EVERETT,  
J. EVANS, FABRIZIO, FREEMAN, GOODMAN, HARHAI, HARPER,  
HENNESSEY, KENNEY, KILLION, LEACH, MARKOSEK, McGEEHAN,  
MENSCH, MUSTIO, NAILOR, PAYNE, RAYMOND, REICHLEY, RUBLEY,  
SAINATO, SANTONI, SCHRODER, SIPTROTH, STABACK, TANGRETTI,  
J. TAYLOR, WATSON, WHEATLEY, J. WHITE AND YOUNGBLOOD,  
FEBRUARY 26, 2007

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REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 26, 2007

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AN ACT

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

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

6 Section 1. Section 5511(a) and (m.1) of Title 18 of the  
7 Pennsylvania Consolidated Statutes are amended and the section  
8 is amended by adding a subsection to read:

9 § 5511. Cruelty to animals.

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

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

14 (i) Kills, maims or disfigures any domestic animal  
15 of another person or any domestic fowl of another person.

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

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

10 Any person convicted of violating the provisions of this  
11 paragraph shall be sentenced to pay a fine of not less than  
12 ~~[\$500]~~ \$1,000.

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

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

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

20           (2.1) (i) A person commits a misdemeanor of the first  
21 degree if he willfully and maliciously:

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

1 applicable penalty, shall be required to make  
2 reparations for veterinary costs in treating the dog  
3 and, if necessary, the cost of obtaining and training  
4 a replacement dog.

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] \$2,000 or to imprisonment  
12 for not more than two years, or both. The court may also  
13 order a presentence mental evaluation. A subsequent  
14 conviction under this paragraph shall be a felony of the  
15 third degree. This paragraph shall apply to dogs and cats  
16 only.

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

22 (3) This subsection shall not apply to:

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

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

1 promulgated thereunder; or

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

4 \* \* \*

5 (m.1) Fine for summary offense.--In addition to any other  
6 penalty provided by law, a person convicted of a summary offense  
7 under this section shall pay a fine of not less than ~~[\$50]~~ \$100  
8 nor more than ~~[\$750]~~ \$1,000 or to imprisonment for not more than  
9 90 days, or both.

10 \* \* \*

11 (m.3) Obligation for upkeep of animals.--

12 (1) In addition to any requirements in subsection (j) or  
13 (l), the owner shall be responsible for paying the costs of  
14 keeping and caring for any animal held by a humane society or  
15 association for the prevention of cruelty to animals  
16 incorporated under the laws of this Commonwealth or an agent  
17 of either that is holding an animal in connection with a  
18 charge filed under this section. The owner shall be  
19 responsible for payment of these costs during the entire  
20 period pending the final disposition of a charge filed under  
21 this section. Payment may be sought at any time after seizure  
22 of an animal.

23 (2) An owner shall be deemed to have abandoned an animal  
24 if the owner fails to make full payment of reasonable costs  
25 of transportation, feeding, care and veterinary expenses  
26 within 20 days of a second written request by a humane  
27 society or association for the prevention of cruelty to  
28 animals that is holding the animal or is legally responsible  
29 for the animal's care and is incurring costs from a third  
30 party. In order for abandonment to be found, at least two

1 written requests for payment must be served by personal  
2 service or registered or certified mail, return receipt  
3 requested, upon a responsible person at the residence or  
4 business from which the animal was seized.

5 (3) A person who abandons an animal under this  
6 subsection may still be held responsible by the authority  
7 hearing the charges for the costs associated with the keeping  
8 and caring for the animal prior to abandonment.

9 (4) A person may avoid liability for the upkeep of the  
10 animal by relinquishing ownership of the animal at the time  
11 that the animal is placed in the care of the humane society  
12 or association for the prevention of cruelty to animals.

13 Section 2. This act shall take effect immediately.