

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2532 Session of 2008

INTRODUCED BY CALTAGIRONE, SHIMKUS, SANTONI, ADOLPH, BELFANTI, BENNINGTON, BEYER, BRENNAN, BUXTON, CAPPELLI, CARROLL, CASORIO, CIVERA, CRUZ, DALEY, J. EVANS, FABRIZIO, FRANKEL, GALLOWAY, GIBBONS, GOODMAN, GRUCELA, HARPER, JAMES, W. KELLER, KILLION, KOTIK, KULA, LENTZ, MAHER, MANDERINO, MARSHALL, MELIO, MOYER, MUSTIO, D. O'BRIEN, M. O'BRIEN, O'NEILL, PAYNE, PAYTON, PRESTON, RAYMOND, READSHAW, ROCK, RUBLEY, SCAVELLO, SIPTROTH, K. SMITH, M. SMITH, SOLOBAY, STURLA, SWANGER, J. TAYLOR, TRUE, WALKO, WATSON, J. WHITE, MICOZZIE, MAHONEY, YOUNGBLOOD, COHEN, DeLUCA, McCALL, EACHUS, HARKINS, HARHAI, McILVAINE SMITH, GINGRICH, SAMUELSON, DALLY, MANN, CONKLIN, THOMAS, SHAPIRO, PETRONE, HORNAMAN AND R. TAYLOR, MAY 14, 2008

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 24, 2008

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(h) of Title 18 of the Pennsylvania~~ <—
7 ~~Consolidated Statutes is amended and the section is amended by~~
8 ~~adding a subsection to read:~~

9 SECTION 1. SECTION 5511(H) AND (H.1) OF TITLE 18 OF THE <—
10 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED AND THE SECTION
11 IS AMENDED BY ADDING A SUBSECTION TO READ:

12 § 5511. Cruelty to animals.

1 * * *

2 (h) ~~Cropping ears of dog; tail docking; debarking; surgical~~ <—
3 ~~birth~~ [CROPPING EARS OF DOG] SPECIFIC VIOLATIONS; prima facie <—
4 evidence of violation.--

5 (1) (i) A person commits a summary offense if he crops
6 or cuts off, or causes or procures to be cropped or cut
7 off, the whole[,] or part of the ear or ears of a dog or
8 shows or exhibits or procures the showing or exhibition
9 of any dog whose ear is or ears are cropped or cut off,
10 in whole or in part, unless the person showing [such] the
11 dog has in his possession either a certificate of
12 veterinarian stating that [such] the cropping was done by
13 the veterinarian or a certificate of registration from a
14 county treasurer[,] showing that [such] the dog was cut
15 or cropped before this section became effective.

16 (ii) The provisions of this section shall not
17 prevent a veterinarian from cutting or cropping the whole
18 or part of the ear or ears of a dog when [such] the dog
19 is anesthetized[,] and shall not prevent any person from
20 causing or procuring [such] the cutting or cropping of a
21 dog's ear or ears by a veterinarian.

22 (iii) The possession by any person of a dog with an
23 ear or ears cut off or cropped and with the wound
24 resulting therefrom unhealed, or any [such] dog being
25 found in the charge or custody of any person or confined
26 upon the premises owned by or under the control of any
27 person, shall be prima facie evidence of a violation of
28 this subsection by [such] the person except as provided
29 for in this subsection.

30 ~~(iv) The owner of any dog whose ear or ears have~~ <—

1 ~~been cut off or cropped before this section became~~
2 ~~effective may, if a resident of this Commonwealth,~~
3 ~~register [such] the dog with the treasurer of the county~~
4 ~~where he resides, and if a nonresident of this~~
5 ~~Commonwealth[,] with the treasurer of any county of this~~
6 ~~Commonwealth, by certifying, under oath, that the ear or~~
7 ~~ears of [such] the dog were cut or cropped before this~~
8 ~~section became effective, and the payment of a fee of \$1~~
9 ~~into the county treasury. The said treasurer shall~~
10 ~~thereupon issue to [such] the person a certificate~~
11 ~~showing [such] the dog to be a lawfully cropped dog.~~

12 [THE OWNER OF ANY DOG WHOSE EAR OR EARS HAVE BEEN CUT OFF OR <—
13 CROPPED BEFORE THIS SECTION BECAME EFFECTIVE MAY, IF A RESIDENT
14 OF THIS COMMONWEALTH, REGISTER SUCH DOG WITH THE TREASURER OF
15 THE COUNTY WHERE HE RESIDES, AND IF A NONRESIDENT OF THIS
16 COMMONWEALTH, WITH THE TREASURER OF ANY COUNTY OF THIS
17 COMMONWEALTH, BY CERTIFYING, UNDER OATH, THAT THE EAR OR EARS OF
18 SUCH DOG WERE CUT OR CROPPED BEFORE THIS SECTION BECAME
19 EFFECTIVE, AND THE PAYMENT OF A FEE OF \$1 INTO THE COUNTY
20 TREASURY. THE SAID TREASURER SHALL THEREUPON ISSUE TO SUCH
21 PERSON A CERTIFICATE SHOWING SUCH DOG TO BE A LAWFULLY CROPPED
22 DOG.]

23 (2) (i) A person commits a summary offense if the
24 person debarks a dog by cutting, causing or procuring the
25 cutting of its vocal cords or by altering, causing or
26 procuring the alteration of any part of its resonance
27 chamber.

28 (ii) The provisions of this paragraph shall not
29 prevent a veterinarian from cutting the vocal cords or
30 otherwise altering the resonance chamber of a dog when

1 the dog is anesthetized and shall not prevent a person
2 from causing or procuring a DEBARKING procedure by a ←
3 veterinarian.

4 (iii) The possession by a person of a dog with the
5 vocal cords cut or the resonance chamber otherwise
6 altered and with the wound resulting therefrom unhealed
7 shall be prima facie evidence of a violation of this
8 paragraph by the person, except as provided in this
9 subsection. ←

10 ~~(iv) The owner of any dog who procured the~~
11 ~~PARAGRAPH.~~ ←

12 (IV) A PERSON WHO PROCURES THE CUTTING OF VOCAL
13 CORDS OR THE alteration of the resonance chamber of the A ←
14 dog shall record and keep the record of the procedure. ←

15 (3) (i) A person commits a summary offense if the
16 person docks, cuts off, causes or procures the docking or
17 cutting off of the tail of a dog over three days old.

18 (ii) The provisions of this paragraph shall not
19 prevent a veterinarian from DOCKING, cutting or cropping ←
20 the whole or part of the tail of a dog when the dog is
21 anesthetized and shall not prevent a person from causing
22 or procuring the cutting or docking of a tail of a dog by
23 a veterinarian.

24 (iii) The possession by a person of a dog with a
25 tail cut off or docked and with the wound resulting
26 therefrom unhealed shall be prima facie evidence of a
27 violation of this paragraph by the person, except as
28 provided in this paragraph.

29 ~~(iv) The owner of any dog who procured~~ A PERSON WHO ←
30 ~~PROCURES the cutting off or docking of a tail of the~~ ←

1 ~~owner's~~ A dog shall record the procedure and keep the ←
2 record.

3 (4) (i) A person commits a summary offense if the
4 person surgically births or causes or procures a surgical
5 birth.

6 (ii) The provisions of this section shall not
7 prevent a veterinarian from surgically birthing a dog
8 when the dog is anesthetized and shall not prevent any
9 person from causing or procuring the birthing by a
10 veterinarian.

11 (iii) The possession by a person of a dog nursing
12 puppies and with the A wound resulting from a surgical ←
13 birth unhealed shall be prima facie evidence of a
14 violation of this paragraph by the person, except as
15 provided in this paragraph.

16 (IV) A PERSON WHO PROCURES THE SURGICAL BIRTH OF A ←
17 DOG SHALL RECORD THE PROCEDURE AND KEEP THE RECORD.

18 (V) THIS PARAGRAPH SHALL NOT APPLY TO PERSONNEL
19 REQUIRED TO COMPLY WITH STANDARDS TO MINIMIZE PAIN TO AN
20 ANIMAL SET FORTH IN SECTION 2143(A)(3) OF THE ANIMAL
21 WELFARE ACT (PUBLIC LAW 89-544, 7 U.S.C. §§ 2131 ET.
22 SEQ.), TRAINED IN ACCORDANCE WITH SECTION 2143(D) OF THE
23 ANIMAL WELFARE ACT, WHO WORK IN A FEDERALLY REGISTERED
24 RESEARCH FACILITY REQUIRED TO COMPLY WITH THE ANIMAL
25 WELFARE ACT UNDER THE GUIDANCE OR OVERSIGHT OF A
26 VETERINARIAN.

27 (5) (I) A PERSON COMMITS A SUMMARY OFFENSE IF THE
28 PERSON CUTS OFF OR CAUSES OR PROCURES THE CUTTING OFF OF
29 THE DEWCLAW OF A DOG OVER FIVE DAYS OLD.

30 (II) THE PROVISIONS OF THIS PARAGRAPH SHALL NOT

1 PREVENT A VETERINARIAN FROM CUTTING THE DEWCLAW WHEN THE
2 DOG IS ANESTHETIZED AND SHALL NOT PREVENT A PERSON FROM
3 CAUSING OR PROCURING THE PROCEDURE BY A VETERINARIAN.

4 (III) THE POSSESSION BY A PERSON OF A DOG WITH THE
5 DEWCLAW CUT OFF AND WITH THE WOUND RESULTING THEREFROM
6 UNHEALED SHALL BE PRIMA FACIE EVIDENCE OF A VIOLATION OF
7 THIS PARAGRAPH BY THE PERSON, EXCEPT AS PROVIDED IN THIS
8 PARAGRAPH.

9 (IV) A PERSON WHO PROCURES THE CUTTING OFF OF THE
10 DEWCLAW OF A DOG SHALL RECORD AND KEEP THE RECORD OF THE
11 PROCEDURE.

12 (H.1) ANIMAL FIGHTING.--A PERSON COMMITS A FELONY OF THE
13 THIRD DEGREE IF HE:

14 (1) FOR AMUSEMENT OR GAIN, CAUSES, ALLOWS OR PERMITS ANY
15 ANIMAL TO ENGAGE IN ANIMAL FIGHTING;

16 (2) RECEIVES COMPENSATION FOR THE ADMISSION OF ANOTHER
17 PERSON TO ANY PLACE KEPT OR USED FOR ANIMAL FIGHTING;

18 (3) OWNS, POSSESSES, KEEPS, TRAINS, PROMOTES, PURCHASES,
19 STEALS OR ACQUIRES IN ANY MANNER OR KNOWINGLY SELLS ANY
20 ANIMAL FOR ANIMAL FIGHTING;

21 (4) IN ANY WAY KNOWINGLY ENCOURAGES, AIDS OR ASSISTS
22 THEREIN;

23 (5) WAGERS ON THE OUTCOME OF AN ANIMAL FIGHT;

24 (6) PAYS FOR ADMISSION TO AN ANIMAL FIGHT OR ATTENDS AN
25 ANIMAL FIGHT AS A SPECTATOR; OR

26 (7) KNOWINGLY PERMITS ANY PLACE UNDER HIS CONTROL OR
27 POSSESSION TO BE KEPT OR USED FOR ANIMAL FIGHTING.

28 THIS SUBSECTION SHALL NOT APPLY TO ACTIVITY UNDERTAKEN IN A
29 NORMAL AGRICULTURAL OPERATION.

30 * * *

1 ~~(o.2) Enforcement. Entities and people who enforce the~~ <—
2 ~~provisions of the Dog Law shall have concurrent authority to~~
3 ~~enforce this section as it relates to dogs in the course and~~
4 ~~scope of their duties in a jurisdiction in which there is no~~
5 ~~officer appointed under 22 Pa.C.S. Ch. 37 (relating to humane~~
6 ~~society police officers).~~

7 (O.2) LIMITED AUTHORITY TO ENFORCE SUMMARY OFFENSES IN <—
8 CERTAIN COUNTIES.--

9 (1) A STATE DOG WARDEN WHO HAS AUTHORITY UNDER SECTION
10 901(A) OF THE ACT OF DECEMBER 7, 1982 (P.L.784, NO.225),
11 KNOWN AS THE DOG LAW, SHALL HAVE AUTHORITY TO ENFORCE THIS
12 SECTION IN A COUNTY IN WHICH THERE IS NO HUMANE SOCIETY
13 POLICE OFFICER APPOINTED UNDER 22 PA.C.S. CH. 37 (RELATING TO
14 HUMANE SOCIETY POLICE OFFICERS). AUTHORITY PROVIDED UNDER
15 THIS SUBSECTION MAY ONLY BE EXERCISED IN THE ENFORCEMENT OF
16 SUMMARY OFFENSES PARTICULAR TO ACTS OR OMISSIONS ON DOGS IN
17 THE OPERATION OF AN ESTABLISHMENT LICENSED OR REQUIRED TO BE
18 LICENSED AS A KENNEL UNDER THE DOG LAW.

19 (2) A STATE DOG WARDEN SHALL HAVE NO ENFORCEMENT
20 AUTHORITY UNDER THIS SUBSECTION UNLESS THE WARDEN HAS
21 SUCCESSFULLY COMPLETED ALL OF THE MINIMUM REQUIREMENTS FOR
22 INITIAL TRAINING AND ADDITIONAL TRAINING UNDER 22 PA.C.S. §§
23 3712 (RELATING TO TRAINING PROGRAM) AND 3713 (RELATING TO
24 CONTINUING EDUCATION PROGRAM).

25 (3) A STATE DOG WARDEN SHALL HAVE NO AUTHORITY UNDER
26 THIS SUBSECTION TO SEIZE ANY DOG EXCEPT PURSUANT TO THE
27 SEARCH OF A KENNEL PREMISES FOR WHICH A SEARCH WARRANT HAS
28 BEEN ISSUED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF
29 THE PENNSYLVANIA RULES OF CRIMINAL PROCEDURE. A STATE DOG
30 WARDEN SHALL NOT FILE, OBTAIN OR EXECUTE ANY SEARCH WARRANT

1 UNLESS THE WARDEN HAS COMPLIED WITH THE REQUIREMENTS FOR
2 PRIOR APPROVAL UNDER 22 PA.C.S. § 3710 (RELATING TO SEARCH
3 WARRANTS). THE AUTHORITY OF A DOG WARDEN TO OBTAIN OR EXECUTE
4 SEARCH WARRANTS OR TO SEIZE DOGS UNDER THIS SECTION SHALL NOT
5 EXCEED THE AUTHORITY UNDER SUBSECTION (L).

6 (4) THIS SUBSECTION SHALL NOT BE CONSTRUED AS MODIFYING,
7 RESCINDING OR SUPERSEDING ANY AUTHORITY OF STATE DOG WARDENS
8 UNDER THE DOG LAW.

9 * * *

10 Section 2. This act shall take effect ~~immediately~~. AS ←
11 FOLLOWS:

12 (1) THE AMENDMENT OF 18 PA.C.S. § 5511(H.1) SHALL TAKE
13 EFFECT IN 60 DAYS.

14 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
15 IMMEDIATELY.