

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 165 Session of 2011

INTRODUCED BY J. EVANS, BUXTON, CALTAGIRONE, D. COSTA, FLECK, GEIST, GILLESPIE, GOODMAN, KILLION, KORTZ, MANN, MILLARD, MILNE, PAYNE, PYLE, RAPP, READSHAW, REICHLEY, SCAVELLO, SCHRODER, WATSON, WHITE, DAVIS, BOBACK, YOUNGBLOOD, GINGRICH, MURT, STERN, FARRY, HENNESSEY, MCGEEHAN, COHEN AND HORNAMAN, JANUARY 24, 2011

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, MAY 21, 2012

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the offense of
3 cruelty to 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 by adding a paragraph to read:

8 SECTION 1. SECTION 5511 OF TITLE 18 OF THE PENNSYLVANIA
9 CONSOLIDATED STATUTES IS AMENDED BY ADDING SUBSECTIONS TO READ:

10 § 5511. Cruelty to animals.

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

13 \* \* \*

14 (2.2) (i) A person commits a misdemeanor of the second

15 \* \* \*

16 (A.1) GUIDE DOGS.--

1           (1) A PERSON COMMITS A MISDEMEANOR OF THE THIRD degree ←  
2 if he is the owner or co-owner of a dog that kills, maims or  
3 disfigures a guide dog of an individual who is blind, a  
4 hearing dog of an individual who is deaf or audibly impaired  
5 or a service dog of an individual who is physically limited  
6 without provocation by the guide, hearing or service dog or  
7 the individual.

8           ~~(ii) A person commits an offense under this~~ ←  
9 ~~paragraph~~

10           (2) A PERSON COMMITS AN OFFENSE UNDER THIS SUBSECTION ←  
11 only if the person knew or should have known that the dog he  
12 owns or co-owns had a propensity to attack human beings or  
13 domestic animals without provocation AND THE OWNER OR CO- ←  
14 OWNER KNOWINGLY OR RECKLESSLY FAILED TO RESTRAIN THE DOG OR  
15 KEEP THE DOG IN A CONTAINED, SECURE MANNER.

16           ~~(iii) Any person convicted of violating the~~ ←

17           (3) ANY PERSON CONVICTED OF VIOLATING THE provisions of ←  
18 this paragraph SUBSECTION shall be sentenced to pay a fine of ←  
19 not more than \$5,000 and shall be ordered to make reparations  
20 for veterinary costs in treating the guide, hearing or  
21 service dog and, if necessary, the cost of obtaining and  
22 training a replacement guide, hearing or service dog.

23           \* \* \*

24           (A.2) CIVIL PENALTY AND RESTITUTION.-- ←

25           (1) A PERSON WHO IS THE OWNER OR CO-OWNER OF A DOG THAT  
26 KILLS, MAIMS OR DISFIGURES A GUIDE DOG OF AN INDIVIDUAL WHO  
27 IS BLIND, A HEARING DOG OF AN INDIVIDUAL WHO IS DEAF OR  
28 AUDIBLY IMPAIRED OR A SERVICE DOG OF AN INDIVIDUAL WHO IS  
29 PHYSICALLY LIMITED SHALL BE SUBJECT TO PARAGRAPH (2) IF ALL  
30 OF THE FOLLOWING APPLY:

1           (I) THE OWNER OR CO-OWNER KNEW THE DOG HAD A  
2           PROPENSITY TO ATTACK HUMAN BEINGS OR DOMESTIC ANIMALS.

3           (II) THE OWNER OR CO-OWNER FAILED TO RESTRAIN THE  
4           DOG OR KEEP THE DOG IN A CONTAINED, SECURE MANNER.

5           (2) A COURT OF COMMON PLEAS MAY IMPOSE ANY OF THE  
6           FOLLOWING UPON ANY PERSON WHO IS THE OWNER OR CO-OWNER OF A  
7           DOG UNDER PARAGRAPH (1):

8           (I) A CIVIL PENALTY OF UP TO \$15,000.

9           (II) REPARATIONS FOR VETERINARY COSTS IN TREATING  
10          THE GUIDE, HEARING OR SERVICE DOG AND, IF NECESSARY, THE  
11          COST OF RETRAINING THE DOG OR OF OBTAINING AND TRAINING A  
12          REPLACEMENT GUIDE, HEARING OR SERVICE DOG.

13          (III) LOSS OF INCOME FOR THE TIME THE INDIVIDUAL IS  
14          UNABLE TO WORK DUE TO THE UNAVAILABILITY OF THE GUIDE,  
15          HEARING OR SERVICE DOG.

16          \* \* \*



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