

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1130 Session of
2011

INTRODUCED BY KORTZ, CALTAGIRONE, D. COSTA, EVANKOVICH,
FABRIZIO, FARRY, GEIST, GIBBONS, GILLESPIE, GOODMAN,
HORNAMAN, MILNE, READSHAW, SAINATO, SWANGER, VULAKOVICH AND
WATSON, MARCH 21, 2011

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS, MARCH
21, 2011

AN ACT

1 Amending the act of December 7, 1982 (P.L.784, No.225),
2 entitled, as amended, "An act relating to dogs, regulating
3 the keeping of dogs; providing for the licensing of dogs and
4 kennels; providing for the protection of dogs and the
5 detention and destruction of dogs in certain cases;
6 regulating the sale and transportation of dogs; declaring
7 dogs to be personal property and the subject of theft;
8 providing for the abandonment of animals; providing for the
9 assessment of damages done to animals; providing for payment
10 of damages by the Commonwealth in certain cases and the
11 liability of the owner or keeper of dogs for such damages;
12 imposing powers and duties on certain State and local
13 officers and employees; providing penalties; and creating a
14 Dog Law Restricted Account," further providing for seizure
15 and detention of dogs, costs and destruction of dogs.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Section 302 of the act of December 7, 1982 (P.L.
19 784, No.225), known as the Dog Law, amended October 9, 2008
20 (P.L.1450, No.119), is amended to read:

21 Section 302. Seizure and detention of dogs; costs; destruction
22 of dogs.

23 (a) [General rule.--] Duties.--

1 (1) It shall be the duty of every police officer, State
2 dog warden, employee of the department or animal control
3 officer to seize and detain any dog which is found running at
4 large, either upon the public streets or highways of the
5 Commonwealth, or upon the property of a person other than the
6 owner of such dog, and unaccompanied by the owner or keeper.

7 (2) Every police officer, State dog warden, employee of
8 the department or animal control officer detaining any dog
9 shall report the detention to the police department with
10 jurisdiction over the location where the dog was seized
11 within 24 hours of seizure of the animal. The report shall
12 include:

13 (i) The date and time of the seizure and the
14 location where the dog is being detained.

15 (ii) The county dog license number, if applicable.

16 (iii) The color of the dog.

17 (iv) Any distinguishing characteristics that would
18 assist in the identification of the dog.

19 Every police department shall maintain a list of dogs
20 reported to it under this paragraph, which list shall be made
21 available to the public upon request.

22 (3) Every police officer, State dog warden, employee of
23 the department or animal control officer may humanely kill
24 any dog which is found running at large and is deemed after
25 due consideration by the police officer, State dog warden,
26 employee of the department or animal control officer to
27 constitute a threat to the public health and welfare.

28 (b) Licensed dogs.--

29 (1) The State dog warden or employee of the department,
30 the animal control officer, or the chief of police or his

1 agents of any city, borough, town or township, the constable
2 of any borough and the constable of any incorporated town or
3 township shall cause any dog bearing a proper license tag or
4 permanent identification and so seized and detained to be
5 properly kept and fed at any licensed kennel approved by the
6 secretary for such purposes and shall cause immediate notice,
7 by registered or certified mail with return receipt
8 requested, to the person in whose name the license was
9 procured, or his agent, to claim such dog within five days
10 after receipt thereof.

11 (2) The owner or claimant of a dog so detained shall pay
12 a penalty of \$15 to the political subdivision whose police
13 officers make such seizures and detention and all reasonable
14 expenses incurred by reason of its detention to the detaining
15 parties before the dog is returned.

16 (3) If five days after obtaining the postal return
17 receipt, such dog has not been claimed, such chief of police,
18 or his agent, or a constable, or State dog warden or employee
19 of the department shall dispense such dog by sale or by
20 giving it to a humane society or association for the
21 prevention of cruelty to animals.

22 (4) No dog so caught and detained shall be sold for the
23 purpose of vivisection, or research, or be conveyed in any
24 manner for these purposes.

25 (5) All moneys derived from the sale of such dog, after
26 deducting the expenses of its detention, shall be paid
27 through the Department of Agriculture to the State Treasurer
28 for credit to the Dog Law Restricted Account.

29 (c) Unlicensed dogs.--

30 (1) Except as otherwise provided by section 305, any

1 police officer, State dog warden, employee of the department
2 or animal control officer shall cause any unlicensed dog to
3 be seized, detained, kept and fed for a period of [48 hours]
4 96 hours, excluding the hours during a Saturday, Sunday and
5 official holiday, at any licensed kennel approved by the
6 secretary for such purposes, except any dog seriously ill or
7 injured or forfeited with the owner's permission. [The 48-
8 hour period shall not include days the approved kennel is not
9 open to the general public.]

10 (2) Any person may view such detained dogs during normal
11 business hours. Any unlicensed dog remaining unclaimed after
12 [48] 96 hours may be humanely killed or given to a humane
13 society or association for the prevention of cruelty to
14 animals.

15 (3) No dog so caught and detained shall be sold for the
16 purpose of vivisection, or research, or be conveyed in any
17 manner for these purposes.

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