

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2663 Session of 2012

INTRODUCED BY D. COSTA, READSHAW, BOBACK, CALTAGIRONE, P. COSTA, DAVIS, DUNBAR, GOODMAN, HARHAI, W. KELLER, MUNDY, MYERS, SAINATO, SANTARSIERO, SONNEY, WATSON, YOUNGBLOOD, M. O'BRIEN AND FLECK, OCTOBER 2, 2012

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 2, 2012

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in riot, disorderly conduct and  
3 related offenses, further providing for the offense of  
4 cruelty to animals.

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

7 Section 1. Section 5511(a), (b), (c), (d), (e), (e.1), (f),  
8 (g), (h), (k), (m.1) and (n) of Title 18 of the Pennsylvania  
9 Consolidated Statutes are amended to read:

10 § 5511. Cruelty to animals.

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

13 (1) A person commits [a misdemeanor of the second  
14 degree] an offense if he willfully and maliciously:

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

17 (ii) Administers poison to or exposes any poisonous  
18 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 (1.1) (i) Except as provided in subparagraph (ii), a  
12 person convicted of violating paragraph (1) commits a  
13 misdemeanor of the first degree.

14 (ii) A person convicted for a second or subsequent  
15 time of violating paragraph (1) (i) commits a felony of  
16 the third degree.

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

19 (i) Kills, maims or disfigures any zoo animal in  
20 captivity.

21 (ii) Administers poison to or exposes any poisonous  
22 substance with the intent to administer such poison to  
23 any zoo animal in captivity.

24 (2.1) (i) A person commits a misdemeanor of the first  
25 degree if he willfully and maliciously:

26 (A) Kills, maims, mutilates, tortures or  
27 disfigures any dog or cat, whether belonging to  
28 himself or otherwise. If a person kills, maims,  
29 mutilates, tortures or disfigures a dog guide for an  
30 individual who is blind, a hearing dog for an

1 individual who is deaf or audibly impaired or a  
2 service dog for an individual who is physically  
3 limited, whether belonging to the individual or  
4 otherwise, that person, in addition to any other  
5 applicable penalty, shall be required to make  
6 reparations for veterinary costs in treating the dog  
7 and, if necessary, the cost of obtaining and training  
8 a replacement dog.

9 (B) Administers poison to or exposes any  
10 poisonous substance with the intent to administer  
11 such poison to any dog or cat, whether belonging to  
12 himself or otherwise.

13 (ii) [Any] (A) Except as otherwise provided in  
14 clause (B), any person convicted of violating the  
15 provisions of this paragraph shall be sentenced to  
16 pay a fine of not less than \$1,000 or to imprisonment  
17 for not more than two years, or both. The court may  
18 also order a presentence mental evaluation.

19 (B) A second or subsequent conviction under this  
20 paragraph shall be a felony of the third degree.

21 [This paragraph shall apply to dogs and cats only.]

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

27 (3) This subsection shall not apply to:

28 (i) the killing of any animal taken or found in the  
29 act of actually destroying any domestic animal or  
30 domestic fowl;

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

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

9 \* \* \*

10 (b) Regulating certain actions concerning fowl or rabbits.--  
11 A person commits a [summary offense] misdemeanor of the third  
12 degree if he sells, offers for sale, barter, or gives away baby  
13 chickens, ducklings, or other fowl, under one month of age, or  
14 rabbits under two months of age, as pets, toys, premiums or  
15 novelties or if he colors, dyes, stains or otherwise changes the  
16 natural color of baby chickens, ducklings or other fowl, or  
17 rabbits or if he brings or transports the same into this  
18 Commonwealth. This section shall not be construed to prohibit  
19 the sale or display of such baby chickens, ducklings, or other  
20 fowl, or such rabbits, in proper facilities by persons engaged  
21 in the business of selling them for purposes of commercial  
22 breeding and raising.

23 (c) Cruelty to animals.--

24 (1) A person commits an offense if he wantonly or  
25 cruelly illtreats, overloads, beats, otherwise abuses any  
26 animal, or neglects any animal as to which he has a duty of  
27 care, whether belonging to himself or otherwise, or abandons  
28 any animal, or deprives any animal of necessary sustenance,  
29 drink, shelter or veterinary care, or access to clean and  
30 sanitary shelter which will protect the animal against

1 inclement weather and preserve the animal's body heat and  
2 keep it dry.

3 (2) (i) Except as provided in subparagraph (ii), a  
4 person convicted of violating paragraph (1) commits a  
5 [summary offense] misdemeanor of the third degree.

6 (ii) A person convicted for a second or subsequent  
7 time of violating paragraph (1) commits a misdemeanor of  
8 the [third] second degree if all of the following  
9 occurred:

10 (A) The action or omission for which the person  
11 was convicted for a subsequent time was performed on  
12 a dog or cat.

13 (B) The dog or cat was seriously injured,  
14 suffered severe physical distress or was placed at  
15 imminent risk of serious physical harm as the result  
16 of the person's action or omission.

17 (3) This subsection shall not apply to activity  
18 undertaken in normal agricultural operation.

19 (d) Selling or using disabled horse.--A person commits a  
20 [summary offense] misdemeanor of the third degree if he offers  
21 for sale or sells any horse, which by reason of debility,  
22 disease or lameness, or for other cause, could not be worked or  
23 used without violating the laws against cruelty to animals, or  
24 leads, rides, drives or transports any such horse for any  
25 purpose, except that of conveying the horse to the nearest  
26 available appropriate facility for its humane keeping or  
27 destruction or for medical or surgical treatment.

28 (e) Transporting animals in cruel manner.--

29 (1) A person commits a [summary offense] misdemeanor of  
30 the third degree if he carries, or causes, or allows to be

1 carried in or upon any cart, or other vehicle whatsoever, any  
2 animal in a cruel or inhumane manner.

3 (2) The person taking him into custody may take charge  
4 of the animal and of any such vehicle and its contents, and  
5 deposit the same in some safe place of custody, and any  
6 necessary expenses which may be incurred for taking charge of  
7 and keeping the same, and sustaining any such animal, shall  
8 be a lien thereon, to be paid before the same can lawfully be  
9 recovered, or the said expenses or any part thereof remaining  
10 unpaid may be recovered by the person incurring the same from  
11 the owner of said creature in any action therefor.

12 (3) For the purposes of this section, it shall not be  
13 deemed cruel or inhumane to transport live poultry in crates  
14 so long as not more than 15 pounds of live poultry are  
15 allocated to each cubic foot of space in the crate.

16 (e.1) Transporting equine animals in cruel manner.--

17 (1) Notwithstanding any other provision of law, a person  
18 commits a [summary offense] misdemeanor of the third degree  
19 for each equine animal if the person carries, or causes or  
20 allows to be carried, any equine animal in or upon any  
21 conveyance or other vehicle whatsoever with two or more  
22 levels stacked on top of one another.

23 (2) A person who violates this subsection on a second or  
24 subsequent occasion commits a misdemeanor of the [third]  
25 second degree for each equine animal transported.

26 (f) Hours of labor of animals.--

27 (1) A person commits a [summary offense] misdemeanor of  
28 the third degree if he leads, drives, rides or works or  
29 causes or permits any other person to lead, drive, ride or  
30 work any horse, mare, mule, ox, or any other animal, whether

1 belonging to himself or in his possession or control, for  
2 more than 15 hours in any 24 hour period, or more than 90  
3 hours in any one week.

4 (2) Nothing in this subsection [contained] shall be  
5 construed to warrant any persons leading, driving, riding or  
6 walking any animal a less period than 15 hours, when so doing  
7 shall in any way violate the laws against cruelty to animals.

8 (g) Cruelty to cow to enhance appearance of udder.--A person  
9 commits a [summary offense] misdemeanor of the third degree if  
10 he kneads or beats or pads the udder of any cow, or willfully  
11 allows it to go unmilked for a period of 24 hours or more, for  
12 the purpose of enhancing the appearance or size of the udder of  
13 said cow, or by a muzzle or any other device prevents its calf,  
14 if less than six weeks old, from obtaining nourishment, and  
15 thereby relieving the udder of said cow, for a period of 24  
16 hours.

17 (h) Specific violations; prima facie evidence of  
18 violation.--

19 (1) (i) A person commits a [summary offense]  
20 misdemeanor of the third degree if the person crops,  
21 trims or cuts off, or causes or procures to be cropped,  
22 trimmed or cut off, the whole or part of the ear or ears  
23 of a dog.

24 (ii) The provisions of this paragraph shall not  
25 prevent a veterinarian from cropping, trimming or cutting  
26 off the whole or part of the ear or ears of a dog when  
27 the dog is anesthetized and shall not prevent any person  
28 from causing or procuring the cropping, trimming or  
29 cutting off of a dog's ear or ears by a veterinarian.

30 (iii) The possession by any person of a dog with an

1 ear or ears cropped, trimmed or cut off and with the  
2 wound or incision site resulting therefrom unhealed, or  
3 any such dog being found in the charge or custody of any  
4 person or confined upon the premises owned by or under  
5 the control of any person, shall be prima facie evidence  
6 of a violation of this subsection by the person except as  
7 provided for in this subsection.

8 (iv) A person who procures the cropping, trimming or  
9 cutting off of the whole or part of an ear or ears of a  
10 dog shall record the procedure. The record shall include  
11 the name of the attending veterinarian and the date and  
12 location at which the procedure was performed. The record  
13 shall be kept as long as the wound or incision site is  
14 unhealed and shall be transferred with the dog during  
15 that period of time.

16 (2) (i) A person commits a [summary offense]  
17 misdemeanor of the third degree if the person debarks a  
18 dog by cutting, causing or procuring the cutting of its  
19 vocal cords or by altering, causing or procuring the  
20 alteration of any part of its resonance chamber.

21 (ii) The provisions of this paragraph shall not  
22 prevent a veterinarian from cutting the vocal cords or  
23 otherwise altering the resonance chamber of a dog when  
24 the dog is anesthetized and shall not prevent a person  
25 from causing or procuring a debarking procedure by a  
26 veterinarian.

27 (iii) The possession by any person of a dog with the  
28 vocal cords cut or the resonance chamber otherwise  
29 altered and with the wound or incision site resulting  
30 therefrom unhealed, or any such dog being found in the



1 charge or custody of any person or confined upon the  
2 premises owned by or under the control of any person,  
3 shall be prima facie evidence of a violation of this  
4 paragraph by the person, except as provided in this  
5 paragraph.

6 (iv) A person who procures the cutting of vocal  
7 cords or the alteration of the resonance chamber of a dog  
8 shall record the procedure. The record shall include the  
9 name of the attending veterinarian and the date and  
10 location at which the procedure was performed. The record  
11 shall be kept as long as the wound or incision site is  
12 unhealed and shall be transferred with the dog during  
13 that period of time.

14 (3) (i) A person commits a [summary offense]  
15 misdemeanor of the third degree if the person docks, cuts  
16 off, causes or procures the docking or cutting off of the  
17 tail of a dog over five days old.

18 (ii) The provisions of this paragraph shall not  
19 prevent a veterinarian from docking, cutting off or  
20 cropping the whole or part of the tail of a dog when the  
21 dog is at least 12 weeks of age and the procedure is  
22 performed using general anesthesia and shall not prevent  
23 a person from causing or procuring the cutting off or  
24 docking of a tail of a dog by a veterinarian as provided  
25 in this paragraph.

26 (iii) The provisions of this section shall not  
27 prevent a veterinarian from surgically removing, docking,  
28 cutting off or cropping the tail of a dog between five  
29 days and 12 weeks of age if, in the veterinarian's  
30 professional judgment, the procedure is medically

1 necessary for the health and welfare of the dog. If the  
2 procedure is performed, it shall be done in accordance  
3 with generally accepted standards of veterinary practice.

4 (iv) The possession by any person of a dog with a  
5 tail cut off or docked and with the wound or incision  
6 site resulting therefrom unhealed, or any such dog being  
7 found in the charge or custody of any person or confined  
8 upon the premises owned by or under the control of any  
9 person, shall be prima facie evidence of a violation of  
10 this paragraph by the person, except as provided in this  
11 paragraph.

12 (v) A person who procures the cutting off or docking  
13 of a tail of a dog shall record the procedure. The record  
14 shall include the name of the attending veterinarian and  
15 the date and location at which the procedure was  
16 performed. The record shall be kept as long as the wound  
17 or incision site is unhealed and shall be transferred  
18 with the dog during that period of time.

19 (4) (i) A person commits a [summary offense]  
20 misdemeanor of the third degree if the person surgically  
21 births or causes or procures a surgical birth.

22 (ii) The provisions of this section shall not  
23 prevent a veterinarian from surgically birthing a dog  
24 when the dog is anesthetized and shall not prevent any  
25 person from causing or procuring a surgical birthing by a  
26 veterinarian.

27 (iii) The possession by any person of a dog with a  
28 wound or incision site resulting from a surgical birth  
29 unhealed, or any such dog being found in the charge or  
30 custody of any person or confined upon the premises owned

1 by or under the control of any person, shall be prima  
2 facie evidence of a violation of this paragraph by the  
3 person, except as provided in this paragraph.

4 (iv) A person who procures the surgical birth of a  
5 dog shall record the procedure. The record shall include  
6 the name of the attending veterinarian and the date and  
7 location at which the procedure was performed. The record  
8 shall be kept as long as the wound or incision site is  
9 unhealed and shall be transferred with the dog during  
10 that period of time.

11 (v) This paragraph shall not apply to personnel  
12 required to comply with standards to minimize pain to an  
13 animal set forth in section 2143(a)(3) of the Animal  
14 Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.),  
15 trained in accordance with section 2143(d) of the Animal  
16 Welfare Act, who work in a federally registered research  
17 facility required to comply with the Animal Welfare Act  
18 under the guidance or oversight of a veterinarian.

19 (5) (i) A person commits a [summary offense]  
20 misdemeanor of the third degree if the person cuts off or  
21 causes or procures the cutting off of the dewclaw of a  
22 dog over five days old.

23 (ii) The provisions of this paragraph shall not  
24 prevent a veterinarian from cutting the dewclaw and shall  
25 not prevent a person from causing or procuring the  
26 procedure by a veterinarian.

27 (iii) The possession by any person of a dog with the  
28 dewclaw cut off and with the wound or incision site  
29 resulting therefrom unhealed, or any such dog being found  
30 in the charge or custody of any person or confined upon

1 the premises owned by or under the control of any person,  
2 shall be prima facie evidence of a violation of this  
3 paragraph by the person, except as provided in this  
4 paragraph.

5 (iv) A person who procures the cutting off of the  
6 dewclaw of a dog shall record the procedure. The record  
7 shall include the name of the attending veterinarian and  
8 the date and location at which the procedure was  
9 performed. The record shall be kept as long as the wound  
10 or incision site is unhealed and shall be transferred  
11 with the dog during that period of time.

12 \* \* \*

13 (k) Killing homing pigeons.--A person commits a [summary  
14 offense] misdemeanor of the third degree if he shoots, maims or  
15 kills any antwerp or homing pigeon, either while on flight or at  
16 rest, or detains or entraps any such pigeon which carries the  
17 name of its owner.

18 \* \* \*

19 (m.1) Fine for [summary offense] misdemeanor of the third  
20 degree.--In addition to any other penalty provided by law, a  
21 person convicted of a [summary offense] misdemeanor of the third  
22 degree under this section shall pay a fine of not less than \$50  
23 nor more than \$750 or to imprisonment for not more than 90 days,  
24 or both.

25 \* \* \*

26 (n) Skinning of and selling or buying pelts of dogs and  
27 cats.--A person commits a [summary offense] misdemeanor of the  
28 third degree if he skins a dog or cat or offers for sale or  
29 exchange or offers to buy or exchange the pelt or pelts of any  
30 dog or cat.

1       \* \* \*

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