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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 921 Session of  
2011

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INTRODUCED BY FARNESE, FONTANA, RAFFERTY, LEACH, COSTA, BREWSTER  
AND WOZNIAK, MARCH 30, 2011

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REFERRED TO JUDICIARY, MARCH 30, 2011

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AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, providing for failure to comply with animal abuse  
4 registration requirements, for illegal use of animal abuse  
5 registry information and for animal abuse registry.

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

8 Section 1. Title 18 of the Pennsylvania Consolidated  
9 Statutes is amended by adding sections to read:

10 § 4916. Failure to comply with animal abuse registration  
11 requirements.

12 (a) Offense defined.--An individual who is subject to  
13 registration under 42 Pa.C.S. § 9778(a) (relating to animal  
14 abuse registry) commits an offense if he knowingly fails to:

15 (1) register or reregister with the county sheriff as  
16 required under 42 Pa.C.S. § 9778(a); or

17 (2) provide accurate information when registering under  
18 42 Pa.C.S. § 9778.

19 (b) Grading.--

1       (1) Except as set forth in paragraph (2), an individual  
2 subject to registration under 42 Pa.C.S. § 9778(a) who  
3 commits a violation of subsection (a)(1) or (2) or a similar  
4 offense commits a felony of the third degree.

5       (2) An individual subject to registration under 42  
6 Pa.C.S. § 9778(a) who commits a violation of subsection (a)  
7 (1) or (2) and who has previously been convicted of an  
8 offense under subsection (a)(1) or (2) or a similar offense  
9 commits a felony of the second degree.

10 § 7518. Illegal use of animal abuse registry information.

11       (a) Offense defined.--Any individual who uses information  
12 obtained from the local animal abuse registry or the central  
13 animal abuse registry established under 42 Pa.C.S. § 9778  
14 (relating to animal abuse registry) to commit an offense under  
15 this title commits an offense under this section.

16       (b) Grading.--

17           (1) An individual who commits a violation of subsection  
18 (a) commits a misdemeanor of the third degree.

19           (2) An individual who commits a second or subsequent  
20 violation of subsection (a) commits a misdemeanor of the  
21 second degree.

22       Section 2. Title 42 is amended by adding a section to read:

23 § 9778. Animal abuse registry.

24       (a) Registration required.--

25           (1) The following individuals shall be required to  
26 register with the county sheriff for the county in which the  
27 individual is located for ten years following the conviction:

28           (i) Individuals convicted of any of the following  
29 offenses:

30                   (A) 18 Pa.C.S. § 5511(a) (relating to cruelty to

1 animals).

2 (B) a second or subsequent conviction under 18  
3 Pa.C.S. § 5511(c).

4 (C) 18 Pa.C.S. § 5511(h.1).

5 (D) 18 Pa.C.S. § 5511.2 (relating to police  
6 animals).

7 (E) 18 Pa.C.S. § 5511.3 (relating to assault  
8 with a biological agent on animal, fowl or honey  
9 bees).

10 (F) Any other felony violation of a law  
11 protecting animal welfare.

12 (ii) Individuals convicted of an attempt to commit  
13 any of the offenses listed in paragraph (1)(i) or (2).

14 (iii) Individuals currently residing in this  
15 Commonwealth who have been convicted of offenses similar  
16 to the crimes cited in subparagraphs (i) and (ii), under  
17 the laws of the United States or one of its territories  
18 or possessions, another state, the District of Columbia,  
19 the Commonwealth of Puerto Rico or a foreign nation.

20 (2) An individual with two or more convictions of any of  
21 the offenses set forth in this subsection shall be subject to  
22 lifetime registration.

23 (3) (i) An offender or repeat offender, following  
24 release from incarceration, upon parole from a  
25 correctional institution or upon commencement of  
26 immediate punishment or probation that results from a  
27 conviction for an offense listed under subsection (a)(1)  
28 (i), and who is located within the boundaries of this  
29 Commonwealth for more than ten consecutive days, shall  
30 register with the county sheriff for the county in which

1 the offender or repeat offender is located before the end  
2 of the 11th day.

3 (ii) An offender or repeat offender who is currently  
4 registered in the county of the offender's previous  
5 location within this Commonwealth shall reregister with  
6 the county sheriff for the county in which the offender  
7 or repeat offender is now located no later than ten days  
8 after moving to the new location in this Commonwealth.

9 (4) (i) Following the initial registration under this  
10 section, an offender shall annually renew the  
11 registration with the county sheriff prior to December 31  
12 of each subsequent calendar year for a period of ten  
13 years.

14 (ii) Following the initial registration under this  
15 section, a repeat offender shall annually renew the  
16 registration with the county sheriff prior to December 31  
17 of each subsequent calendar year.

18 (b) Information required.--

19 (1) The offender or repeat offender shall provide the  
20 county sheriff with the following information:

21 (i) Legal name and any other names or aliases that  
22 the offender or repeat offender uses or has used.

23 (ii) Date of birth.

24 (iii) Social Security number.

25 (iv) Current address or location.

26 (v) Place of employment.

27 (vi) The offense the offender or repeat offender was  
28 convicted of and the date and location of the offense.

29 (vii) The county or counties in this Commonwealth  
30 where the offender or repeat offender is registered under

1           this section.

2           (2) The county sheriff shall obtain the following from  
3 the offender or repeat offender:

4           (i) A photograph of the offender or repeat offender  
5 and a complete set of the offender's or repeat offender's  
6 fingerprints.

7           (ii) A description of any tattoos, scars or other  
8 distinguishing features on the offender's or repeat  
9 offender's body that would assist in identifying the  
10 offender or repeat offender.

11           (3) For registration renewal, the offender or repeat  
12 offender shall provide updated information for the required  
13 information contained in paragraphs (1) and (2).

14           (c) Fees.--

15           (1) In addition to any fines, fees or penalties levied  
16 or imposed as provided by law, each offender and repeat  
17 offender shall pay an annual registration fee of \$50 when  
18 registering with the county sheriff.

19           (2) The county sheriff shall remit the fees collected  
20 under paragraph (1) to the State Treasurer for deposit into  
21 the fund.

22           (d) Central and local registries.--

23           (1) The county sheriff shall establish and maintain a  
24 local registry of offenders and repeat offenders in the  
25 sheriff's jurisdiction to be known as the local animal abuse  
26 registry. The sheriff shall be responsible for the following:

27           (i) Forwarding all registration information to the  
28 Pennsylvania State Police.

29           (ii) Within ten days of receipt of an initial  
30 registration from an offender or repeat offender for the

1 offender's or repeat offender's current place of  
2 residence, the county sheriff shall contact every  
3 residence, school, humane society, animal shelter and any  
4 other business within a half-mile radius of the  
5 offender's or repeat offender's residence or location and  
6 provide them with the registration information of the  
7 offender or repeat offender except for the Social  
8 Security number.

9 (2) The Pennsylvania State Police shall establish and  
10 maintain a central registry of offenders and repeat offenders  
11 required to register under this section to be known as the  
12 central animal abuse registry. Information contained in the  
13 central animal abuse registry of offender's and repeat  
14 offenders shall be made available to the public through the  
15 Internet and telephone, by written access and in person. All  
16 of the information contained in an offender's or repeat  
17 offender's registration, with the exception of the Social  
18 Security number or any other information protected by law,  
19 shall be made available to the public. Records of each  
20 registration shall be maintained for the ten-year period that  
21 an offender is required to be registered. Records of each  
22 registration shall be maintained during the period that a  
23 repeat offender is required to be registered.

24 (3) (i) It is hereby declared to be the finding of the  
25 General Assembly that the health and safety of animals  
26 that are at risk of abuse will be enhanced by making  
27 information about offenders and repeat offenders  
28 available to the public through the Internet and  
29 telephone, by written access and in person. Knowledge of  
30 whether a certain person is an offender or repeat

1 offender can be a significant factor in protecting pets  
2 and animals from recidivist acts by offenders and repeat  
3 offenders. The technology afforded by the Internet would  
4 make this information readily accessible to the public  
5 enabling them to undertake appropriate remedial  
6 precautions. Public access to information about offenders  
7 and repeat offenders is intended solely as a means of  
8 protection for the pets and animals of the public that  
9 are at risk of abuse and shall not be construed as  
10 punitive.

11 (ii) An individual is authorized to use the  
12 information contained in the central animal abuse  
13 registry and the local animal abuse registry for  
14 protecting animals at risk of abuse.

15 (e) Sentencing court information.--The sentencing court  
16 shall inform offenders and repeat offenders at the time of  
17 sentencing of the provisions of this section. The court shall:

18 (1) Specifically inform the offender or repeat offender  
19 of the duty to register and provide the information required  
20 for registration.

21 (2) Specifically inform the offender or repeat offender  
22 of the duty to inform the county sheriff within ten days if  
23 the offender or repeat offender does the following:

24 (i) changes residence or establishes an additional  
25 residence or residences;

26 (ii) changes employer or employment location for a  
27 period of time that exceeds 14 days or for an aggregate  
28 period of time that will exceed 30 days during any  
29 calendar year or terminates employment; or

30 (iii) changes institution or location at which the

1 offender or repeat offender is enrolled as a student or  
2 terminates enrollment.

3 (3) Specifically inform the offender or repeat offender  
4 of the duty to register with a new law enforcement agency if  
5 the offender or repeat offender moves to another state no  
6 later than ten days after establishing residence in another  
7 state and if the state requires such registration.

8 (4) Specifically inform the offender or repeat offender  
9 of the duty to register with the appropriate authorities in  
10 any state in which the offender or repeat offender is  
11 employed, carries on a vocation or is a student if the state  
12 requires such registration.

13 (5) Require the offender or repeat offender to read and  
14 sign a form stating that the duty to register under this  
15 section has been provided in writing and has been explained.  
16 Where the offender or repeat offender is incapable of  
17 reading, the court shall certify the duty to register was  
18 explained to the offender or repeat offender and the offender  
19 or repeat offender indicated an understanding of the duty.

20 (f) Animal Abuse Registry Fund.--

21 (1) There is established in the State Treasury a  
22 restricted account to be known as the Animal Abuse Registry  
23 Fund to be used exclusively for funding the administration of  
24 this section by county sheriffs and the Pennsylvania State  
25 Police.

26 (2) Up to 65% of the moneys in the Animal Abuse Registry  
27 Fund shall be payable to a county to fund the county  
28 sheriff's establishment and administration of the local  
29 animal abuse registry pursuant to subsection (d)(1).

30 (3) Up to 35% of the moneys in the Animal Abuse Registry



1 Fund shall be payable to the Pennsylvania State Police to  
2 fund its establishment and administration of the central  
3 animal abuse registry pursuant to subsection (d) (2).

4 (g) Immunity for good faith conduct.--The following entities  
5 shall be immune from liability for good faith conduct under this  
6 section:

7 (1) The Pennsylvania State Police and local law  
8 enforcement agencies and employees of law enforcement  
9 agencies.

10 (2) Sheriffs, deputy sheriffs and employees of the  
11 office of sheriff of a county.

12 (3) District attorneys and their agents and employees.

13 (4) The Pennsylvania Department of Corrections and its  
14 agents and employees.

15 (5) County correctional facilities and their agents and  
16 employees.

17 (h) Photographs and fingerprinting.--An individual subject  
18 to subsection (a) (1) or (2) shall submit to photographing and  
19 fingerprinting as required by this section at locations  
20 designated by the county sheriff. Fingerprinting as required by  
21 this section shall, at a minimum, require submission of a full  
22 set of fingerprints. Photographing as required by this section  
23 shall, at a minimum, require submission to photographs of the  
24 face and any tattoos, scars or other distinguishing features on  
25 the offender's or repeat offender's body that would assist in  
26 identifying the individual. Fingerprints and photographs  
27 obtained under this section may be maintained for use under this  
28 section and for general law enforcement purposes.

29 (i) Civil liability for information misuse.--When an  
30 individual or a group of individuals is engaged in a pattern or

1 practice of misuse of information in violation of subsection (d)  
2 (3) that was obtained from the central animal abuse registry or  
3 local animal abuse registry, or both, any individual aggrieved  
4 by the misuse may, in any court of competent jurisdiction,  
5 obtain appropriate relief, including injunctive relief.

6 (j) Definitions.--As used in this section, the following  
7 words and phrases shall have the meanings given to them in this  
8 subsection unless the context clearly indicates otherwise:

9 "Correctional institution." A State correctional institution  
10 or local correctional facility located in this Commonwealth or  
11 an equivalent correctional institution owned or operated by the  
12 United States or one of its territories, another state, the  
13 Commonwealth of Puerto Rico or a foreign nation.

14 "Fund." The Animal Abuse Registry Fund established under  
15 this section.

16 "Local correctional facility." The term shall have the  
17 meaning given to it in 61 Pa.C.S. § 102 (relating to  
18 definitions).

19 "Local law enforcement agency." A police department of a  
20 city, borough, incorporated town or township.

21 "Offender." An individual required to register under  
22 subsection (a) (1).

23 "Repeat offender." An individual required to register under  
24 subsection (a) (2).

25 "State correctional institution." The term shall have the  
26 meaning given to it in 61 Pa.C.S. § 102 (relating to  
27 definitions).

28 Section 3. This act shall take effect in 60 days.