

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2046 Session of 2014

INTRODUCED BY SAINATO, K. BOYLE, SCHLOSSBERG, O'BRIEN, SIMMONS, BISHOP, HAGGERTY, WATSON, MCNEILL, KOTIK, DUNBAR, KORTZ, MOLCHANY, THOMAS, STERN, RAVENSTAHL, LONGIETTI, MILLARD, JAMES, PAINTER, BIZZARRO, GOODMAN, MAHONEY, COHEN, HARHAI, BROWNLEE, LUCAS, MILNE, D. COSTA, SWANGER, GINGRICH, KIRKLAND, COX, QUINN, READSHAW, MURT, MOUL AND KINSEY, FEBRUARY 24, 2014

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 24, 2014

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)(2.1)(i), (c) and (q) of Title 18
7 of the Pennsylvania Consolidated Statutes are amended to read:

8 § 5511. Cruelty to animals.

9 (a) Killing, maiming or poisoning domestic animals or zoo
10 animals, etc.--

11 * * *

12 (2.1) (i) A person commits a misdemeanor of the first
13 degree if he [willfully]:

14 (A) Willfully and maliciously:

15 [(A)] (I) Kills, maims, mutilates, tortures or
16 disfigures any dog or cat, whether belonging to

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

12 [(B)] (II) Administers poison to or exposes any
13 poisonous substance with the intent to administer
14 such poison to any dog or cat, whether belonging
15 to himself or otherwise.

16 (B) Commits a violation of subsection (c) (1)
17 that results in the death of the cat or dog.

18 * * *

19 (c) Cruelty to animals.--

20 (1) A person commits an offense if he wantonly or
21 cruelly illtreats, overloads, beats, otherwise abuses any
22 animal, or neglects any animal as to which he has a duty of
23 care, whether belonging to himself or otherwise, or abandons
24 any animal, or deprives any animal of necessary sustenance,
25 drink, shelter or veterinary care, or access to clean and
26 sanitary shelter which will protect the animal against
27 inclement weather and preserve the animal's body heat and
28 keep it dry.

29 (2) (i) Except as provided in subparagraph (ii), a
30 person convicted of violating paragraph (1) commits a

summary offense.

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

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

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

(3) [This subsection shall not apply to activity undertaken in normal agricultural operation.] A person commits aggravated cruelty to animals when, with no justifiable purpose, he or she intentionally kills or intentionally causes serious physical injury to a companion animal with aggravated cruelty.

(4) A person convicted of violating paragraph (3) commits a misdemeanor of the first degree.

(5) Nothing contained in this section shall be construed to prohibit activity undertaken in normal agricultural operation or interfere in any way with anyone lawfully engaged in hunting, trapping or fishing, the dispatch of rabid or diseased animals or the dispatch of animals posing a threat to human safety or other animals, where such action is otherwise legally authorized.

* * *

(q) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this

1 subsection:

2 "Aggravated cruelty." Conduct which:

3 (1) is intended to cause extreme physical pain; or

4 (2) is done or carried out in an especially depraved or

5 sadistic manner.

6 "Animal fighting." Fighting or baiting any bull, bear, dog,
7 cock or other creature.

8 "Audibly impaired." The inability to hear air conduction
9 thresholds at an average of 40 decibels or greater in the better
10 ear.

11 "Blind." Having a visual acuity of 20/200 or less in the
12 better eye with correction or having a limitation of the field
13 of vision such that the widest diameter of the visual field
14 subtends an angular distance not greater than 20 degrees.

15 "Conveyance." A truck, tractor, trailer or semitrailer, or
16 any combination of these, propelled or drawn by mechanical
17 power.

18 "Deaf." Totally impaired hearing or hearing with or without
19 amplification which is so seriously impaired that the primary
20 means of receiving spoken language is through other sensory
21 input, including, but not limited to, lip reading, sign
22 language, finger spelling or reading.

23 "Domestic animal." Any dog, cat, equine animal, bovine
24 animal, sheep, goat or porcine animal.

25 "Domestic fowl." Any avian raised for food, hobby or sport.

26 "Equine animal." Any member of the Equidae family, which
27 includes horses, asses, mules, ponies and zebras.

28 "Normal agricultural operation." Normal activities,
29 practices and procedures that farmers adopt, use or engage in
30 year after year in the production and preparation for market of

1 poultry, livestock and their products in the production and
2 harvesting of agricultural, agronomic, horticultural,
3 silvicultural and aquicultural crops and commodities.

4 "Physically limited." Having limited ambulation, including,
5 but not limited to, a temporary or permanent impairment or
6 condition that causes an individual to use a wheelchair or walk
7 with difficulty or insecurity, affects sight or hearing to the
8 extent that an individual is insecure or exposed to danger,
9 causes faulty coordination or reduces mobility, flexibility,
10 coordination or perceptiveness.

11 "Zoo animal." Any member of the class of mammalia, aves,
12 amphibia or reptilia which is kept in a confined area by a
13 public body or private individual for purposes of observation by
14 the general public.

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