

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 164 Session of 2015

INTRODUCED BY STEPHENS, HARKINS, RAVENSTAHL, KOTIK, SCHLOSSBERG, O'NEILL, O'BRIEN, JAMES, SCHWEYER, WATSON, KILLION, FARRY, BOBACK, MATZIE, HARPER, CONKLIN, SANTARSIERO, COHEN, TAYLOR, HARHAI, DAVIS, DEASY, KORTZ, CARROLL, LONGIETTI, SNYDER, MURT, FRANKEL, BAKER, KAUFFMAN, D. MILLER, A. HARRIS, SAINATO, MAHER, DIGIROLAMO, GOODMAN, D. COSTA, QUINN, GRELL, GINGRICH, M. K. KELLER, MACKENZIE, PICKETT, READSHAW, GIBBONS, HACKETT, GILLEN, GILLESPIE, DEAN, TOBASH, McCARTER, SAMUELSON, SIMMONS AND TOEPEL, FEBRUARY 2, 2015

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, FEBRUARY 24, 2015

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(q) of Title 18 of the Pennsylvania <--~~
8 ~~Consolidated Statutes is amended by adding a definition and the~~
9 ~~section is amended by adding a subsection to read:~~

10 SECTION 1. SECTION 5511(J) OF TITLE 18 OF THE PENNSYLVANIA <--
11 CONSOLIDATED STATUTES IS AMENDED, SUBSECTION (Q) IS AMENDED BY
12 ADDING A DEFINITION AND THE SECTION IS AMENDED BY ADDING A
13 SUBSECTION TO READ:

14 § 5511. Cruelty to animals.

15 * * *

1 (h.2) Possession of animal fighting paraphernalia.--In
2 addition to any other penalty provided by law, a person commits
3 a misdemeanor of the third degree if he knowingly owns or
4 possesses animal fighting paraphernalia.

5 * * *

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6 (J) SEIZURE OF ANIMALS KEPT OR USED FOR ANIMAL FIGHTING.--
7 ANY POLICE OFFICER OR AGENT OF A SOCIETY OR ASSOCIATION FOR THE
8 PREVENTION OF CRUELTY TO ANIMALS INCORPORATED UNDER THE LAWS OF
9 THIS COMMONWEALTH, SHALL HAVE POWER TO SEIZE ANY ANIMAL KEPT,
10 USED, OR INTENDED TO BE USED FOR ANIMAL FIGHTING. WHEN THE
11 SEIZURE IS MADE, THE ANIMAL OR ANIMALS SO SEIZED SHALL NOT BE
12 DEEMED ABSOLUTELY FORFEITED, BUT SHALL BE HELD BY THE OFFICER OR
13 AGENT SEIZING THE SAME UNTIL A CONVICTION OF SOME PERSON IS
14 FIRST OBTAINED FOR A VIOLATION OF SUBSECTION (H.1) OR FORFEITURE
15 IS OBTAINED UNDER THE ACT OF JULY 9, 2013 (P.L.263, NO.50),
16 KNOWN AS THE COSTS OF CARE OF SEIZED ANIMALS ACT. THE OFFICER OR
17 AGENT MAKING SUCH SEIZURE SHALL MAKE DUE RETURN TO THE ISSUING
18 AUTHORITY, OF THE NUMBER AND KIND OF ANIMALS OR CREATURES SO
19 SEIZED BY HIM. WHERE AN ANIMAL IS THUS SEIZED, THE POLICE
20 OFFICER OR AGENT IS AUTHORIZED TO PROVIDE SUCH CARE AS IS
21 REASONABLY NECESSARY, AND WHERE ANY ANIMAL THUS SEIZED IS FOUND
22 TO BE DISABLED, INJURED OR DISEASED BEYOND REASONABLE HOPE OF
23 RECOVERY, THE POLICE OFFICER OR AGENT IS AUTHORIZED TO PROVIDE
24 FOR THE HUMANE DESTRUCTION OF THE ANIMAL. IN ADDITION TO ANY
25 OTHER PENALTY PROVIDED BY LAW, THE AUTHORITY IMPOSING SENTENCE
26 UPON A CONVICTION FOR ANY VIOLATION OF SUBSECTION (H.1) SHALL
27 ORDER THE FORFEITURE OR SURRENDER OF ANY ABUSED, NEGLECTED OR
28 DEPRIVED ANIMAL OF THE DEFENDANT TO ANY SOCIETY OR ASSOCIATION
29 FOR THE PREVENTION OF CRUELTY TO ANIMALS DULY INCORPORATED UNDER
30 THE LAWS OF THIS COMMONWEALTH AND SHALL REQUIRE THAT THE OWNER

1 PAY THE COST OF THE KEEPING, CARE AND DESTRUCTION OF THE ANIMAL.

2 * * *

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

6 * * *

7 "Animal fighting paraphernalia." Any device, implement,
8 object, facility, space or drug used, or intended to be used,
9 for animal fighting, to train an animal for animal fighting or
10 in furtherance of animal fighting. In determining whether an
11 object is animal fighting paraphernalia, a court or other
12 authority should consider statements by an owner or by anyone in
13 control of the object concerning its use, any prior convictions
14 under Federal or State law relating to animal fighting, the
15 proximity of the object in time and space to the direct
16 violation of this section, direct or circumstantial evidence of
17 the intent of the accused to deliver the object to persons whom
18 he or she knows or should reasonably know intends to use the
19 object to facilitate a violation of this section, oral or
20 written instructions provided with or in the vicinity of the
21 object concerning its use, descriptive materials accompanying
22 the object which explain or depict its use and all other
23 logically relevant factors.

24 * * *

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