

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 308 Session of 2017

INTRODUCED BY D. COSTA, DAVIS, SCHLOSSBERG, DRISCOLL, DONATUCCI, LONGIETTI, W. KELLER, MATZIE, O'BRIEN, MURT, MILLARD, GOODMAN, V. BROWN, A. HARRIS, RADER, KAVULICH, MULLERY, McNEILL, WATSON, DeLUCA, READSHAW, FREEMAN, KORTZ, DEASY, BIZZARRO AND NEILSON, FEBRUARY 3, 2017

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 3, 2017

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 This act shall be referred to as Angel's Law.

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

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

11 § 5511. Cruelty to animals.

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

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

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

1           (ii) Administers poison to or exposes any poisonous  
2 substance with the intent to administer such poison to  
3 any domestic animal of another person or domestic fowl of  
4 another person.

5           (iii) Harasses, annoys, injures, attempts to injure,  
6 molests or interferes with a dog guide for an individual  
7 who is blind, a hearing dog for an individual who is deaf  
8 or audibly impaired or a service dog for an individual  
9 who is physically limited.

10 Any person convicted of violating the provisions of this  
11 paragraph shall be sentenced to pay a fine of not less than  
12 \$500.

13       (1.1) (i) Except as provided in subparagraph (ii), a  
14 person convicted of violating paragraph (1) commits a  
15 misdemeanor of the first degree.

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

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

21           (i) Kills, maims or disfigures any zoo animal in  
22 captivity.

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

26       (2.1) (i) A person commits a misdemeanor of the first  
27 degree if he willfully and maliciously:

28           (A) Kills, maims, mutilates, tortures or  
29 disfigures any dog or cat, whether belonging to  
30 himself or otherwise. If a person kills, maims,

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

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

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

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

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

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

29 (3) This subsection shall not apply to:

30 (i) the killing of any animal taken or found in the

1 act of actually destroying any domestic animal or  
2 domestic fowl;

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

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

11 \* \* \*

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

25 (c) Cruelty to animals.--

26 (1) A person commits an offense if he wantonly or  
27 cruelly illtreats, overloads, beats, otherwise abuses any  
28 animal, or neglects any animal as to which he has a duty of  
29 care, whether belonging to himself or otherwise, or abandons  
30 any animal, or deprives any animal of necessary sustenance,

1 drink, shelter or veterinary care, or access to clean and  
2 sanitary shelter which will protect the animal against  
3 inclement weather and preserve the animal's body heat and  
4 keep it dry.

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

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

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

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

19 (iii) Nothing in this section shall prevent a humane  
20 society police officer as defined in section 102 of the  
21 act of December 7, 1982 (P.L.784, No.225), known as the  
22 Dog Law, from charging a person who violates this  
23 subsection for the first time.

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

26 (d) Selling or using disabled horse.--A person commits a  
27 [summary offense] misdemeanor of the third degree if he offers  
28 for sale or sells any horse, which by reason of debility,  
29 disease or lameness, or for other cause, could not be worked or  
30 used without violating the laws against cruelty to animals, or

1 leads, rides, drives or transports any such horse for any  
2 purpose, except that of conveying the horse to the nearest  
3 available appropriate facility for its humane keeping or  
4 destruction or for medical or surgical treatment.

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

6 (1) A person commits a [summary offense] misdemeanor of  
7 the third degree if he carries, or causes, or allows to be  
8 carried in or upon any cart, or other vehicle whatsoever, any  
9 animal in a cruel or inhumane manner.

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

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

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

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

30 (2) A person who violates this subsection on a second or

1 subsequent occasion commits a misdemeanor of the [third]  
2 second degree for each equine animal transported.

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

4 (1) A person commits a [summary offense] misdemeanor of  
5 the third degree if he leads, drives, rides or works or  
6 causes or permits any other person to lead, drive, ride or  
7 work any horse, mare, mule, ox, or any other animal, whether  
8 belonging to himself or in his possession or control, for  
9 more than 15 hours in any 24 hour period, or more than 90  
10 hours in any one week.

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

15 (g) Cruelty to cow to enhance appearance of udder.--A person  
16 commits a [summary offense] misdemeanor of the third degree if  
17 he kneads or beats or pads the udder of any cow, or willfully  
18 allows it to go un milked for a period of 24 hours or more, for  
19 the purpose of enhancing the appearance or size of the udder of  
20 said cow, or by a muzzle or any other device prevents its calf,  
21 if less than six weeks old, from obtaining nourishment, and  
22 thereby relieving the udder of said cow, for a period of 24  
23 hours.

24 (h) Specific violations; prima facie evidence of  
25 violation.--

26 (1) (i) A person commits a [summary offense]  
27 misdemeanor of the third degree if the person crops,  
28 trims or cuts off, or causes or procures to be cropped,  
29 trimmed or cut off, the whole or part of the ear or ears  
30 of a dog.

1           (ii) The provisions of this paragraph shall not  
2 prevent a veterinarian from cropping, trimming or cutting  
3 off the whole or part of the ear or ears of a dog when  
4 the dog is anesthetized and shall not prevent any person  
5 from causing or procuring the cropping, trimming or  
6 cutting off of a dog's ear or ears by a veterinarian.

7           (iii) The possession by any person of a dog with an  
8 ear or ears cropped, trimmed or cut off and with the  
9 wound or incision site resulting therefrom unhealed, or  
10 any such dog being found in the charge or custody of any  
11 person or confined upon the premises owned by or under  
12 the control of any person, shall be prima facie evidence  
13 of a violation of this subsection by the person except as  
14 provided for in this subsection.

15           (iv) A person who procures the cropping, trimming or  
16 cutting off of the whole or part of an ear or ears of a  
17 dog shall record the procedure. The record shall include  
18 the name of the attending veterinarian and the date and  
19 location at which the procedure was performed. The record  
20 shall be kept as long as the wound or incision site is  
21 unhealed and shall be transferred with the dog during  
22 that period of time.

23           (2) (i) A person commits a [summary offense]  
24 misdemeanor of the third degree if the person debarks a  
25 dog by cutting, causing or procuring the cutting of its  
26 vocal cords or by altering, causing or procuring the  
27 alteration of any part of its resonance chamber.

28           (ii) The provisions of this paragraph shall not  
29 prevent a veterinarian from cutting the vocal cords or  
30 otherwise altering the resonance chamber of a dog when



1 the dog is anesthetized and shall not prevent a person  
2 from causing or procuring a debarking procedure by a  
3 veterinarian.

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

13 (iv) A person who procures the cutting of vocal  
14 cords or the alteration of the resonance chamber of a dog  
15 shall record the procedure. The record shall include the  
16 name of the attending veterinarian and the date and  
17 location at which the procedure was performed. The record  
18 shall be kept as long as the wound or incision site is  
19 unhealed and shall be transferred with the dog during  
20 that period of time.

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

25 (ii) The provisions of this paragraph shall not  
26 prevent a veterinarian from docking, cutting off or  
27 cropping the whole or part of the tail of a dog when the  
28 dog is at least 12 weeks of age and the procedure is  
29 performed using general anesthesia and shall not prevent  
30 a person from causing or procuring the cutting off or

1 docking of a tail of a dog by a veterinarian as provided  
2 in this paragraph.

3 (iii) The provisions of this section shall not  
4 prevent a veterinarian from surgically removing, docking,  
5 cutting off or cropping the tail of a dog between five  
6 days and 12 weeks of age if, in the veterinarian's  
7 professional judgment, the procedure is medically  
8 necessary for the health and welfare of the dog. If the  
9 procedure is performed, it shall be done in accordance  
10 with generally accepted standards of veterinary practice.

11 (iv) The possession by any person of a dog with a  
12 tail cut off or docked and with the wound or incision  
13 site resulting therefrom unhealed, or any such dog being  
14 found in the charge or custody of any person or confined  
15 upon the premises owned by or under the control of any  
16 person, shall be prima facie evidence of a violation of  
17 this paragraph by the person, except as provided in this  
18 paragraph.

19 (v) A person who procures the cutting off or docking  
20 of a tail of a dog shall record the procedure. The record  
21 shall include the name of the attending veterinarian and  
22 the date and location at which the procedure was  
23 performed. The record shall be kept as long as the wound  
24 or incision site is unhealed and shall be transferred  
25 with the dog during that period of time.

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

29 (ii) The provisions of this section shall not  
30 prevent a veterinarian from surgically birthing a dog

1 when the dog is anesthetized and shall not prevent any  
2 person from causing or procuring a surgical birthing by a  
3 veterinarian.

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

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

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

26 (5) (i) A person commits a [summary offense]  
27 misdemeanor of the third degree if the person cuts off or  
28 causes or procures the cutting off of the dewclaw of a  
29 dog over five days old.

30 (ii) The provisions of this paragraph shall not

1 prevent a veterinarian from cutting the dewclaw and shall  
2 not prevent a person from causing or procuring the  
3 procedure by a veterinarian.

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

12 (iv) A person who procures the cutting off of the  
13 dewclaw 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 \* \* \*

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

25 \* \* \*

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

1 or both.

2 \* \* \*

3 (n) Skinning of and selling or buying pelts of dogs and  
4 cats.--A person commits a [summary offense] misdemeanor of the  
5 third degree if he skins a dog or cat or offers for sale or  
6 exchange or offers to buy or exchange the pelt or pelts of any  
7 dog or cat.

8 \* \* \*

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