
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1216 Session of
2017

INTRODUCED BY FARRY, D. COSTA, W. KELLER, FREEMAN, MILLARD,
READSHAW, CORBIN, McNEILL, DONATUCCI, V. BROWN, DEAN,
KAUFFMAN, SOLOMON, BULLOCK, DeLUCA, SCHLOSSBERG, WARD, RYAN,
WHEELAND, MASSER, WARREN, HILL-EVANS, GILLEN, DIGIROLAMO,
DAVIS, ROZZI, RADER, SAINATO, WATSON, ELLIS, ROE, NEILSON,
KORTZ, BARBIN, DEASY, RAVENSTAHL AND DALEY, APRIL 17, 2017

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,
JUNE 5, 2018

AN ACT

1 Amending ~~Title~~ TITLES 18 (CRIMES AND OFFENSES) AND 42 (Judiciary <--
2 and Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, IN RIOT, DISORDERLY CONDUCT AND RELATED OFFENSES, <--
4 FURTHER PROVIDING FOR NEGLECT OF ANIMAL; AND, in particular
5 rights and immunities, providing for rescue from motor
6 vehicle.

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

9 ~~Section 1. Title 42 is amended by adding a section to read: <--~~

10 SECTION 1. SECTION 5532(A) OF TITLE 18 OF THE PENNSYLVANIA <--
11 CONSOLIDATED STATUTES, ADDED JUNE 28, 2017 (P.L.215, NO.10), IS
12 AMENDED TO READ:

13 § 5532. NEGLECT OF ANIMAL.

14 (A) OFFENSE DEFINED.--A PERSON COMMITS AN OFFENSE IF THE
15 PERSON FAILS TO PROVIDE [ANY OF THE FOLLOWING] FOR THE BASIC
16 NEEDS OF EACH ANIMAL TO WHICH THE PERSON HAS A DUTY OF CARE,
17 WHETHER BELONGING TO HIMSELF OR OTHERWISE, INCLUDING ANY OF THE

1 FOLLOWING:

2 (1) NECESSARY SUSTENANCE AND POTABLE WATER.

3 (2) ACCESS TO CLEAN AND SANITARY SHELTER AND PROTECTION
4 FROM THE WEATHER. THE SHELTER MUST BE SUFFICIENT TO PERMIT
5 THE ANIMAL TO RETAIN BODY HEAT AND KEEP THE ANIMAL DRY.

6 (3) NECESSARY VETERINARY CARE.

7 * * *

8 SECTION 2. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ:

9 § 8340.3. Rescue from motor vehicle.

10 (a) (Reserved).

11 (b) Rescue of dog or cat.--No law enforcement officer,

12 animal control officer, humane society police officer or

13 emergency responder, or the employer of a law enforcement

14 officer, humane society police officer or emergency responder,

15 shall be liable for damage to a motor vehicle or the contents

16 thereof caused by entry into the motor vehicle for the purpose

17 of removing a dog or cat, if the law enforcement officer, humane

18 society police officer or emergency responder DOES ALL OF THE <--

19 FOLLOWING:

20 (1) Has a good-faith, reasonable belief that the dog or
21 cat is in imminent danger of suffering harm if not
22 immediately removed from the motor vehicle.

23 (2) Makes a reasonable effort to locate the driver of
24 the motor vehicle prior to entry.

25 (3) Takes reasonable steps to ensure or restore the
26 well-being of the dog or cat.

27 (4) Uses no more force than necessary under the
28 circumstances to enter the motor vehicle.

29 (5) Leaves notice on or in the motor vehicle stating the
30 reason entry was made, the name of the person and of the

1 person's employer, a telephone number and, if possible, the
2 location where the dog or cat may be retrieved.

3 (c) Limitation.--A person shall not be immune from civil
4 liability for damage resulting from the entry if the person's
5 actions constitute gross negligence, recklessness or willful or
6 wanton misconduct.

7 Section 2 3. This act shall take effect in 60 days.

<--