

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

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JUNE 22, 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 DEFINITIONS, FOR THE OFFENSE OF NEGLECT <--
 5 OF ANIMAL AND FOR THE OFFENSE OF ATTACK OF GUIDE DOG; IN <--
 6 TRADE AND COMMERCE, FURTHER PROVIDING FOR THE OFFENSE OF
 7 DISCRIMINATION ON ACCOUNT OF GUIDE, SIGNAL OR SERVICE DOG OR
 8 OTHER AID ANIMAL; AND, in particular rights and immunities,
 9 providing for rescue from motor vehicle.

10 The General Assembly of the Commonwealth of Pennsylvania
 11 hereby enacts as follows:

12 ~~Section 1. Title 42 is amended by adding a section to read: <--~~
 13 ~~SECTION 1. SECTION 5532(A) OF TITLE 18 OF THE PENNSYLVANIA <--~~
 14 ~~CONSOLIDATED STATUTES, ADDED JUNE 28, 2017 (P.L.215, NO.10), IS~~
 15 ~~AMENDED TO READ:~~

16 SECTION 1. SECTION 5531 OF TITLE 18 OF THE PENNSYLVANIA <--
 17 CONSOLIDATED STATUTES IS AMENDED BY ADDING A DEFINITION TO READ:
 18 § 5531. DEFINITIONS.

19 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER

1 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
2 CONTEXT CLEARLY INDICATES OTHERWISE:

3 * * *

4 "SERVICE, GUIDE OR SUPPORT DOG." A DOG THAT IS TRAINED OR IS
5 BEING TRAINED TO WORK OR PERFORM TASKS FOR THE BENEFIT OF AN
6 INDIVIDUAL WITH A DISABILITY CONSISTENT WITH FEDERAL AND STATE
7 LAW RELATED TO SERVICE ANIMALS.

8 * * *

9 SECTION 2. SECTIONS 5532(A) AND 5535 OF TITLE 18, ADDED JUNE
10 28, 2017 (P.L.215, NO.10), ARE AMENDED TO READ:

11 § 5532. NEGLECT OF ANIMAL.

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

17 (1) NECESSARY SUSTENANCE AND POTABLE WATER.

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

21 (3) NECESSARY VETERINARY CARE.

22 * * *

23 ~~SECTION 2. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ: <--~~

24 § 5535. ATTACK OF [GUIDE] SERVICE, GUIDE OR SUPPORT DOG. <--

25 (A) OFFENSE DEFINED.--A PERSON COMMITS A MISDEMEANOR OF THE
26 THIRD DEGREE IF THE PERSON IS THE OWNER OF A DOG THAT KILLS,
27 MAIMS OR DISFIGURES A [GUIDE DOG OF AN INDIVIDUAL WHO IS BLIND,
28 A HEARING DOG OF AN INDIVIDUAL WHO IS DEAF OR AUDIBLY IMPAIRED
29 OR A SERVICE DOG OF AN INDIVIDUAL WHO IS PHYSICALLY LIMITED]
30 SERVICE, GUIDE OR SUPPORT DOG OF AN INDIVIDUAL WITH A DISABILITY

1 WITHOUT PROVOCATION BY THE [GUIDE, HEARING OR SERVICE] SERVICE,
2 GUIDE OR SUPPORT DOG OR THE INDIVIDUAL.

3 (B) CULPABILITY.--A PERSON COMMITS AN OFFENSE UNDER THIS
4 SECTION ONLY IF THE PERSON:

5 (1) KNEW OR SHOULD HAVE KNOWN THAT THE DOG THE PERSON
6 OWNS HAD A PROPENSITY TO ATTACK HUMAN BEINGS OR DOMESTIC
7 ANIMALS WITHOUT PROVOCATION[, AND THE OWNER]; AND

8 (2) KNOWINGLY OR RECKLESSLY FAILED TO RESTRAIN THE DOG
9 OR KEEP THE DOG IN A CONTAINED, SECURE MANNER.

10 (C) PENALTY.--A PERSON CONVICTED OF VIOLATING THIS SECTION
11 SHALL BE SENTENCED TO PAY A FINE OF NOT MORE THAN \$5,000 AND
12 SHALL BE ORDERED TO MAKE REPARATIONS FOR VETERINARY COSTS IN
13 TREATING THE [GUIDE, HEARING OR SERVICE] SERVICE, GUIDE OR
14 SUPPORT DOG AND, IF NECESSARY, THE COST OF OBTAINING AND
15 TRAINING A REPLACEMENT [GUIDE, HEARING OR SERVICE] SERVICE,
16 GUIDE OR SUPPORT DOG.

17 (D) CIVIL PENALTY AND RESTITUTION.--

18 (1) A PERSON WHO IS THE OWNER OF A DOG THAT KILLS, MAIMS
19 OR DISFIGURES A [GUIDE DOG OF AN INDIVIDUAL WHO IS BLIND, A
20 HEARING DOG OF AN INDIVIDUAL WHO IS DEAF OR AUDIBLY IMPAIRED
21 OR A SERVICE DOG OF AN INDIVIDUAL WHO IS PHYSICALLY LIMITED]
22 SERVICE, GUIDE OR SUPPORT DOG OF AN INDIVIDUAL WITH A
23 DISABILITY SHALL BE SUBJECT TO PARAGRAPH (2) IF BOTH OF THE
24 FOLLOWING APPLY:

25 (I) THE OWNER KNEW THE DOG HAD A PROPENSITY TO
26 ATTACK HUMAN BEINGS OR DOMESTIC ANIMALS.

27 (II) THE OWNER FAILED TO RESTRAIN THE DOG OR KEEP
28 THE DOG IN A CONTAINED, SECURE MANNER.

29 (2) A COURT OF COMMON PLEAS MAY IMPOSE ANY OF THE
30 FOLLOWING UPON A PERSON WHO IS THE OWNER OF A DOG UNDER

1 PARAGRAPH (1):

2 (I) A CIVIL PENALTY OF UP TO \$15,000.

3 (II) REPARATIONS FOR VETERINARY COSTS IN TREATING
4 THE [GUIDE, HEARING OR SERVICE] SERVICE, GUIDE OR SUPPORT
5 DOG AND, IF NECESSARY, THE COST OF RETRAINING THE DOG OR
6 OF OBTAINING AND TRAINING A REPLACEMENT [GUIDE, HEARING
7 OR SERVICE] SERVICE, GUIDE OR SUPPORT DOG.

8 (III) LOSS OF INCOME FOR THE TIME THE INDIVIDUAL IS
9 UNABLE TO WORK DUE TO THE UNAVAILABILITY OF THE [GUIDE,
10 HEARING OR SERVICE] SERVICE, GUIDE OR SUPPORT DOG.

11 SECTION 3. SECTION 7325 OF TITLE 18 IS AMENDED TO READ:

12 § 7325. DISCRIMINATION ON ACCOUNT OF [GUIDE, SIGNAL OR SERVICE]
13 SERVICE, GUIDE OR SUPPORT DOG OR OTHER AID ANIMAL.

14 (A) OFFENSE DEFINED.--A PERSON IS GUILTY OF A SUMMARY
15 OFFENSE IF HE, BEING THE PROPRIETOR, MANAGER OR EMPLOYEE OF A
16 THEATRE, HOTEL, RESTAURANT OR OTHER PLACE OF PUBLIC
17 ACCOMMODATION, ENTERTAINMENT OR AMUSEMENT, REFUSES, WITHHOLDS OR
18 DENIES ANY PERSON, WHO IS USING A [GUIDE, SIGNAL OR SERVICE]
19 SERVICE, GUIDE OR SUPPORT DOG OR OTHER AID ANIMAL [THAT HAS BEEN
20 CERTIFIED BY A RECOGNIZED AUTHORITY] TO ASSIST [A PERSON,
21 BECAUSE OF THE PHYSICAL DISABILITY, BLINDNESS OR DEAFNESS OF THE
22 USER,] AN INDIVIDUAL WITH A DISABILITY OR WHO IS TRAINING A
23 [GUIDE, SIGNAL OR SUPPORT] SERVICE, GUIDE OR SUPPORT DOG OR
24 OTHER AID ANIMAL FOR [OR FROM A RECOGNIZED AUTHORITY FOR SUCH A
25 USER] AN INDIVIDUAL WITH A DISABILITY, THE USE OF OR ACCESS TO
26 ANY ACCOMMODATION, ADVANTAGE, FACILITY OR PRIVILEGE OF SUCH
27 THEATRE, HOTEL, RESTAURANT OR OTHER PLACE OF PUBLIC
28 ENTERTAINMENT OR AMUSEMENT.

29 (B) DEFINITION.--AS USED IN THIS SECTION, THE TERM "SERVICE,
30 GUIDE OR SUPPORT DOG" SHALL HAVE THE SAME MEANING GIVEN IT UNDER

1 SECTION 5531 (RELATING TO DEFINITIONS).

2 SECTION 4. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ:

3 § 8340.3. Rescue from motor vehicle.

4 (a) (Reserved).

5 (b) Rescue of dog or cat.--No law enforcement officer,
6 animal control officer, humane society police officer or
7 emergency responder, or the employer of a law enforcement
8 officer, humane society police officer or emergency responder,
9 shall be liable for damage to a motor vehicle or the contents
10 thereof caused by entry into the motor vehicle for the purpose
11 of removing a dog or cat, if the law enforcement officer, humane
12 society police officer or emergency responder DOES ALL OF THE <--
13 FOLLOWING:

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

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

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

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

23 (5) Leaves notice on or in the motor vehicle stating the
24 reason entry was made, the name of the person and of the
25 person's employer, a telephone number and, if possible, the
26 location where the dog or cat may be retrieved.

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

1 Section ~~2~~ ~~3~~ 5. This act shall take effect in 60 days.

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