
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1647 Session of
2017

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JULY 7, 2017

REFERRED TO COMMITTEE ON JUDICIARY, JULY 7, 2017

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in falsification and intimidation, providing for
4 the offense of failure to comply with animal abuse
5 registration requirements; in other offenses, providing for
6 the offense of illegal use of animal abuse registry
7 information; and, in sentencing, providing for registration
8 of animal abuse offenders.

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

11 Section 1. Title 18 of the Pennsylvania Consolidated
12 Statutes is amended by adding sections to read:

13 § 4916. Failure to comply with animal abuse registration
14 requirements.

15 (a) Offense defined.--An individual who is subject to
16 registration under 42 Pa.C.S. § 9799.54 (relating to
17 registration requirements) commits an offense if he knowingly
18 fails to:

19 (1) register or reregister with the county sheriff as

1 required under 42 Pa.C.S. § 9799.54(b); or

2 (2) provide accurate information when registering under
3 42 Pa.C.S. § 9799.54.

4 (b) Grading.--

5 (1) Except as set forth in paragraph (2), an individual
6 subject to registration under 42 Pa.C.S. § 9799.54 who
7 commits a violation of subsection (a) or a similar offense
8 commits a felony of the third degree.

9 (2) An individual subject to registration under 42
10 Pa.C.S. § 9799.54 who commits a violation of subsection (a)
11 and who has previously been convicted of an offense under
12 subsection (a) or a similar offense commits a felony of the
13 second degree.

14 § 7518. Illegal use of animal abuse registry information.

15 (a) Offense defined.--A person who uses information obtained
16 from the local animal abuse registry or the central animal abuse
17 registry established under 42 Pa.C.S. § 9799.53 (relating to
18 animal abuse registries) to commit an offense under this title
19 commits an offense under this section.

20 (b) Grading.--

21 (1) An individual who commits a violation of subsection
22 (a) commits a misdemeanor of the third degree.

23 (2) An individual who commits a second or subsequent
24 violation of subsection (a) commits a misdemeanor of the
25 second degree.

26 Section 2. Chapter 97 of Title 42 is amended by adding a
27 subchapter to read:

28 SUBCHAPTER H.1

29 REGISTRATION OF ANIMAL ABUSE OFFENDERS

30 Sec.

1 9799.51. Definitions.

2 9799.52. Legislative findings.

3 9799.53. Animal abuse registries.

4 9799.54. Registration requirements.

5 9799.55. Immunity for good faith conduct.

6 9799.56. Civil liability for information misuse.

7 § 9799.51. Definitions.

8 The following words and phrases when used in this subchapter
9 shall have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Correctional institution." A State correctional institution
12 or county correctional facility located in this Commonwealth or
13 an equivalent correctional institution owned or operated by the
14 United States or one of its territories, another state, the
15 Commonwealth of Puerto Rico or a foreign nation.

16 "County correctional institution." The term shall have the
17 meaning given to it in 61 Pa.C.S. § 102 (relating to
18 definitions).

19 "Local law enforcement agency." A police department of a
20 city, borough, incorporated town or township.

21 "Offender." An individual required to register under section
22 9799.54 (relating to registration requirements).

23 "Repeat offender." An individual required to register under
24 section 9799.54.

25 "State correctional institution." The term shall have the
26 meaning given to it in 61 Pa.C.S. § 102.

27 § 9799.52. Legislative findings.

28 It is the finding of the General Assembly that the health and
29 safety of animals that are at risk of abuse will be enhanced by
30 making information about offenders and repeat offenders

1 available to the public through the Internet, by telephone,
2 through written access and in person. Knowledge of the identity
3 of offenders or repeat offenders can be a significant factor in
4 protecting pets and animals from recidivist acts. The technology
5 afforded by the Internet would make this information readily
6 accessible to the public, enabling them to undertake appropriate
7 remedial precautions. Public access to information about
8 offenders and repeat offenders is intended solely as a means of
9 protection for the pets and animals of the public that are at
10 risk of abuse and shall not be construed as punitive. An
11 individual is authorized to use the information contained in the
12 central animal abuse registry and the local animal abuse
13 registry for protecting animals at risk of abuse.

14 § 9799.53. Animal abuse registries.

15 The following apply:

16 (1) The county sheriff shall establish and maintain a
17 local registry of offenders and repeat offenders in the
18 sheriff's jurisdiction to be known as the local animal abuse
19 registry. The county sheriff shall:

20 (i) Forward all registration information obtained
21 under section 9799.54(c) (relating to registration
22 requirements) to the Pennsylvania State Police.

23 (ii) Within 10 days of receipt of an initial
24 registration from an offender or repeat offender, contact
25 and provide all county residences, schools, humane
26 societies, animal shelters and any other business within
27 a half-mile radius of the offender's or repeat offender's
28 residence or location with the registration information
29 of the offender or repeat offender, except for the
30 offender's or repeat offender's Social Security number.

1 (2) The Pennsylvania State Police shall establish and
2 maintain a central registry of offenders and repeat offenders
3 to be known as the central animal abuse registry. Information
4 contained in the central animal abuse registry of offenders
5 and repeat offenders shall be made available to the public
6 through a publicly accessible Internet website, by telephone,
7 through written access and in person. All of the information
8 contained in an offender's or repeat offender's registration,
9 with the exception of the Social Security number or any other
10 information protected by law, shall be made available to the
11 public. Records of each registration shall be maintained for
12 the seven-year period that an offender is required to be
13 registered. Records of each registration shall be maintained
14 during the periods that a repeat offender is required to be
15 registered.

16 § 9799.54. Registration requirements.

17 (a) Individuals required to register.--

18 (1) The following individuals shall be required to
19 register with the county sheriff for the county in which the
20 individual is located for seven years following conviction:

21 (i) Individuals convicted of any of the following
22 offenses:

23 (A) 18 Pa.C.S. § 5534 (relating to aggravated
24 cruelty to animals).

25 (B) 18 Pa.C.S. § 5543 (relating to animal
26 fighting).

27 (C) 18 Pa.C.S. § 5548 (relating to police
28 animals).

29 (D) 18 Pa.C.S. § 5549 (relating to assault with
30 a biological agent on animal, fowl or honey bees).

1 (E) Any other felony violation of a law
2 protecting animal welfare.

3 (ii) Individuals convicted of an attempt to commit
4 an offense listed under subparagraph (i).

5 (iii) Individuals currently residing in this
6 Commonwealth who have been convicted of an offense
7 similar to an offense under subparagraphs (i) and (ii),
8 under the laws of the United States or one of its
9 territories or possessions, another state, the District
10 of Columbia, the Commonwealth of Puerto Rico or a foreign
11 nation.

12 (2) An individual convicted of two of the offenses under
13 paragraph (1)(i) shall be required to register for 15 years
14 following the conviction.

15 (3) An individual convicted of three or more of the
16 offenses under paragraph (1)(i) shall be subject to lifetime
17 registration.

18 (b) Registration.--The following apply:

19 (1) An offender or repeat offender, following release
20 from incarceration, upon parole from a correctional
21 institution or upon commencement of intermediate punishment
22 or probation that results from a conviction for an offense
23 listed under subsection (a)(1)(i) and who is located within
24 the boundaries of this Commonwealth for more than 10
25 consecutive days, shall register with the county sheriff for
26 the county in which the offender or repeat offender is
27 located before the end of the 11th day of residence in this
28 Commonwealth.

29 (2) An offender or repeat offender who is currently
30 registered in the county of the offender's or repeat

1 offender's previous location within this Commonwealth shall
2 reregister with the county sheriff for the county in which
3 the offender or repeat offender is now located no later than
4 10 days after moving to the new location in this
5 Commonwealth.

6 (3) Following the initial registration under this
7 subsection, an offender and a repeat offender shall annually
8 renew the registration with the county sheriff prior to
9 December 31 of each subsequent calendar year. The offender or
10 repeat offender shall provide updated information required
11 under subsection (c) (1) and (2) at the time of registration
12 renewal.

13 (c) Information required.--

14 (1) An offender or repeat offender shall provide the
15 county sheriff with the following information for entry in
16 the animal abuse registry:

17 (i) Legal name and any other names or aliases that
18 the offender or repeat offender uses or has used.

19 (ii) Date of birth.

20 (iii) Social Security number.

21 (iv) Current address or location.

22 (v) Place of employment.

23 (vi) The offense the offender or repeat offender was
24 convicted of and the date and location of the offense.

25 (vii) The county or counties in this Commonwealth
26 where the offender or repeat offender is registered under
27 this section.

28 (2) (i) The county sheriff shall obtain the following:

29 (A) A photograph of the offender or repeat
30 offender.

1 (B) A description of any tattoos, scars or other
2 distinguishing features on the offender's or repeat
3 offender's body that would assist in identifying the
4 offender or repeat offender.

5 (C) A full set of fingerprints of the offender
6 or repeat offender.

7 (ii) Fingerprints and photographs obtained under
8 this paragraph may be maintained for use under this
9 subchapter and for general law enforcement purposes.

10 (d) Sentencing court information.--The sentencing court
11 shall inform offenders and repeat offenders at the time of
12 sentencing of the provisions of this subchapter. The court
13 shall:

14 (1) Inform the offender or repeat offender of the duty
15 to register and provide the information required for
16 registration.

17 (2) Inform the offender or repeat offender of the duty
18 to inform the county sheriff within 10 days if the offender
19 or repeat offender does the following:

20 (i) changes residence or establishes an additional
21 residence or residences;

22 (ii) changes employer or employment location for a
23 period of time that exceeds 14 days or for an aggregate
24 period of time that will exceed 30 days during any
25 calendar year or terminates employment; or

26 (iii) changes institution or location at which the
27 offender or repeat offender is enrolled as a student or
28 terminates enrollment.

29 (3) Inform the offender or repeat offender of the duty
30 to register with a new law enforcement agency if the offender

1 or repeat offender moves to another state no later than 10
2 days after establishing residence in another state and if the
3 state requires such registration.

4 (4) Inform the offender or repeat offender of the duty
5 to register with the appropriate authorities in any state in
6 which the offender or repeat offender is employed, carries on
7 a vocation or is a student if the state requires such
8 registration.

9 (5) Require the offender or repeat offender to read and
10 sign a form stating that the duty to register under this
11 section has been provided in writing and has been explained.
12 If the offender or repeat offender is incapable of reading,
13 the court shall certify the duty to register was explained to
14 the offender or repeat offender and the offender or repeat
15 offender indicated an understanding of the duty.

16 § 9799.55. Immunity for good faith conduct.

17 The following entities shall be immune from liability for
18 good faith conduct under this subchapter:

19 (1) The Pennsylvania State Police and local law
20 enforcement agencies and employees of law enforcement
21 agencies.

22 (2) Sheriffs, deputy sheriffs and employees of the
23 office of sheriff of a county.

24 (3) District attorneys and their agents and employees.

25 (4) The Pennsylvania Department of Corrections and its
26 agents and employees.

27 (5) County correctional facilities and their agents and
28 employees.

29 § 9799.56. Civil liability for information misuse.

30 If an individual or a group of individuals is engaged in a

1 pattern or practice of misuse of information in violation of 18
2 Pa.C.S. § 7518 (relating to illegal use of animal abuse registry
3 information) that was obtained from the central animal abuse
4 registry or local animal abuse registry, or both, an individual
5 aggrieved by the misuse may, in any court of competent
6 jurisdiction, obtain appropriate relief, including injunctive
7 relief.

8 Section 3. This act shall take effect in 90 days.