

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1238 Session of 2017

INTRODUCED BY STEPHENS, BIZZARRO, GREINER, FARRY, D. COSTA, SAINATO, READSHAW, O'BRIEN, W. KELLER, STAATS, JAMES, DEAN, KAUFFMAN, WHEELAND, DRISCOLL, BOBACK, SCHLOSSBERG, CHARLTON, MURT, WATSON, SCHWEYER, FREEMAN, MILLARD, A. HARRIS, MILNE, DeLUCA, DEASY, KORTZ, DONATUCCI, GILLEN AND CONKLIN, APRIL 17, 2017

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 17, 2017

AN ACT

1 Amending Titles 3 (Agriculture), 18 (Crimes and Offenses), 22
 2 (Detectives and Private Police), 34 (Game) and 42 (Judiciary
 3 and Judicial Procedure) of the Pennsylvania Consolidated
 4 Statutes, in race horse industry reform, further providing
 5 for licenses for horse race meetings and for occupational
 6 licenses for individuals; in riot, disorderly conduct and
 7 related offenses, repealing provisions relating to offense of
 8 cruelty to animals, live animals as prizes prohibited, police
 9 animals and assault with a biological agent on animal, fowl
 10 or honey bees and providing for offenses relating to cruelty
 11 to animals; in humane society police officers, further
 12 providing for definitions, for appointment by nonprofit
 13 corporations, for qualifications for appointment, for
 14 suspension, revocation, limitation and restriction of
 15 appointment and restoration of appointment, for powers and
 16 authority and jurisdiction, for search warrants and for
 17 costs; in hunting and furtaking, further providing for
 18 destruction of dogs declared public nuisances; in budget and
 19 finance, further providing for municipal corporation portion
 20 of fines, etc; and making editorial changes.

21 The General Assembly of the Commonwealth of Pennsylvania

22 hereby enacts as follows:

23 Section 1. Sections 9318(e)(1)(iv) and 9323(g.1)(3) of Title
 24 3 of the Pennsylvania Consolidated Statutes, added October 28,
 25 2016 (P.L.913, No.114), are amended to read:

1 § 9318. Licenses for horse race meetings.

2 * * *

3 (e) Action on licenses.--The following shall apply:

4 (1) The commission shall be prohibited from issuing a
5 license to conduct a horse race meeting at which pari-mutuel
6 wagering is permitted to an individual or applicant or an
7 owner, officer, director or manager of the applicant who has
8 been convicted of:

9 * * *

10 (iv) An offense under 18 Pa.C.S. [§ 5511] Ch. 55
11 Subch. B (relating to cruelty to animals).

12 * * *

13 § 9323. Occupational licenses for individuals.

14 * * *

15 (g.1) Denial.--The commission may deny an application for a
16 license or suspend, revoke or refuse to renew a license issued
17 under this section if it determines that the applicant or
18 licensee meets any of the following:

19 * * *

20 (3) Has been convicted of an offense under 18 Pa.C.S. [§
21 5511] Ch. 55 Subch. B (relating to cruelty to animals).

22 * * *

23 Section 2. Chapter 55 of Title 18 is amended by adding a
24 subchapter heading to read:

25 SUBCHAPTER A

26 DEFINITION OF OFFENSES GENERALLY

27 Section 3. Sections 5511, 5511.1, 5511.2 and 5511.3 of Title
28 18 are repealed:

29 [§ 5511. Cruelty to animals.

30 (a) Killing, maiming or poisoning domestic animals or zoo

1 animals, etc.--

2 (1) A person commits a misdemeanor of the second degree
3 if he willfully and maliciously:

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

6 (ii) Administers poison to or exposes any poisonous
7 substance with the intent to administer such poison to
8 any domestic animal of another person or domestic fowl of
9 another person.

10 (iii) Harasses, annoys, injures, attempts to injure,
11 molests or interferes with a dog guide for an individual
12 who is blind, a hearing dog for an individual who is deaf
13 or audibly impaired or a service dog for an individual
14 who is physically limited.

15 Any person convicted of violating the provisions of this
16 paragraph shall be sentenced to pay a fine of not less than
17 \$500.

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

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

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

25 (2.1) (i) A person commits a misdemeanor of the first
26 degree if he willfully and maliciously:

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

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

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

14 (ii) Any person convicted of violating the
15 provisions of this paragraph shall be sentenced to pay a
16 fine of not less than \$1,000 or to imprisonment for not
17 more than two years, or both. The court may also order a
18 presentence mental evaluation. A subsequent conviction
19 under this paragraph shall be a felony of the third
20 degree. This paragraph shall apply to dogs and cats only.

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

26 (3) This subsection shall not apply to:

27 (i) the killing of any animal taken or found in the
28 act of actually destroying any domestic animal or
29 domestic fowl;

30 (ii) the killing of any animal or fowl pursuant to

1 the act of June 3, 1937 (P.L.1225, No.316), known as The
2 Game Law, or 34 Pa.C.S. §§ 2384 (relating to declaring
3 dogs public nuisances) and 2385 (relating to destruction
4 of dogs declared public nuisances), or the regulations
5 promulgated thereunder; or

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

8 (a.1) Guide dogs.--

9 (1) A person commits a misdemeanor of the third degree
10 if he is the owner or co-owner of a dog that kills, maims or
11 disfigures a guide dog of an individual who is blind, a
12 hearing dog of an individual who is deaf or audibly impaired
13 or a service dog of an individual who is physically limited
14 without provocation by the guide, hearing or service dog or
15 the individual.

16 (2) A person commits an offense under this subsection
17 only if the person knew or should have known that the dog he
18 owns or co-owns had a propensity to attack human beings or
19 domestic animals without provocation and the owner or co-
20 owner knowingly or recklessly failed to restrain the dog or
21 keep the dog in a contained, secure manner.

22 (3) Any person convicted of violating the provisions of
23 this subsection shall be sentenced to pay a fine of not more
24 than \$5,000 and shall be ordered to make reparations for
25 veterinary costs in treating the guide, hearing or service
26 dog and, if necessary, the cost of obtaining and training a
27 replacement guide, hearing or service dog.

28 (a.2) Civil penalty and restitution.--

29 (1) A person who is the owner or co-owner of a dog that
30 kills, maims or disfigures a guide dog of an individual who

1 is blind, a hearing dog of an individual who is deaf or
2 audibly impaired or a service dog of an individual who is
3 physically limited shall be subject to paragraph (2) if all
4 of the following apply:

5 (i) The owner or co-owner knew the dog had a
6 propensity to attack human beings or domestic animals.

7 (ii) The owner or co-owner failed to restrain the
8 dog or keep the dog in a contained, secure manner.

9 (2) A court of common pleas may impose any of the
10 following upon any person who is the owner or co-owner of a
11 dog under paragraph (1):

12 (i) A civil penalty of up to \$15,000.

13 (ii) Reparations for veterinary costs in treating
14 the guide, hearing or service dog and, if necessary, the
15 cost of retraining the dog or of obtaining and training a
16 replacement guide, hearing or service dog.

17 (iii) Loss of income for the time the individual is
18 unable to work due to the unavailability of the guide,
19 hearing or service dog.

20 (b) Regulating certain actions concerning fowl or rabbits.--

21 A person commits a summary offense if he sells, offers for sale,
22 barter, or gives away baby chickens, ducklings, or other fowl,
23 under one month of age, or rabbits under two months of age, as
24 pets, toys, premiums or novelties or if he colors, dyes, stains
25 or otherwise changes the natural color of baby chickens,
26 ducklings or other fowl, or rabbits or if he brings or
27 transports the same into this Commonwealth. This section shall
28 not be construed to prohibit the sale or display of such baby
29 chickens, ducklings, or other fowl, or such rabbits, in proper
30 facilities by persons engaged in the business of selling them

1 for purposes of commercial breeding and raising.

2 (c) Cruelty to animals.--

3 (1) A person commits an offense if he wantonly or
4 cruelly illtreats, overloads, beats, otherwise abuses any
5 animal, or neglects any animal as to which he has a duty of
6 care, whether belonging to himself or otherwise, or abandons
7 any animal, or deprives any animal of necessary sustenance,
8 drink, shelter or veterinary care, or access to clean and
9 sanitary shelter which will protect the animal against
10 inclement weather and preserve the animal's body heat and
11 keep it dry.

12 (2) (i) Except as provided in subparagraph (ii), a
13 person convicted of violating paragraph (1) commits a
14 summary offense.

15 (ii) A person convicted for a second or subsequent
16 time of violating paragraph (1) commits a misdemeanor of
17 the third degree if all of the following occurred:

18 (A) The action or omission for which the person
19 was convicted for a subsequent time was performed on
20 a dog or cat.

21 (B) The dog or cat was seriously injured,
22 suffered severe physical distress or was placed at
23 imminent risk of serious physical harm as the result
24 of the person's action or omission.

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

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

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

5 (e) Transporting animals in cruel manner.--A person commits
6 a summary offense if he carries, or causes, or allows to be
7 carried in or upon any cart, or other vehicle whatsoever, any
8 animal in a cruel or inhumane manner. The person taking him into
9 custody may take charge of the animal and of any such vehicle
10 and its contents, and deposit the same in some safe place of
11 custody, and any necessary expenses which may be incurred for
12 taking charge of and keeping the same, and sustaining any such
13 animal, shall be a lien thereon, to be paid before the same can
14 lawfully be recovered, or the said expenses or any part thereof
15 remaining unpaid may be recovered by the person incurring the
16 same from the owner of said creature in any action therefor.

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

21 (e.1) Transporting equine animals in cruel manner.--
22 Notwithstanding any other provision of law, a person commits a
23 summary offense for each equine animal if the person carries, or
24 causes or allows to be carried, any equine animal in or upon any
25 conveyance or other vehicle whatsoever with two or more levels
26 stacked on top of one another. A person who violates this
27 subsection on a second or subsequent occasion commits a
28 misdemeanor of the third degree for each equine animal
29 transported.

30 (f) Hours of labor of animals.--A person commits a summary

1 offense if he leads, drives, rides or works or causes or permits
2 any other person to lead, drive, ride or work any horse, mare,
3 mule, ox, or any other animal, whether belonging to himself or
4 in his possession or control, for more than 15 hours in any 24
5 hour period, or more than 90 hours in any one week.

6 Nothing in this subsection contained shall be construed to
7 warrant any persons leading, driving, riding or walking any
8 animal a less period than 15 hours, when so doing shall in any
9 way violate the laws against cruelty to animals.

10 (g) Cruelty to cow to enhance appearance of udder.--A person
11 commits a summary offense if he kneads or beats or pads the
12 udder of any cow, or willfully allows it to go unmilked for a
13 period of 24 hours or more, for the purpose of enhancing the
14 appearance or size of the udder of said cow, or by a muzzle or
15 any other device prevents its calf, if less than six weeks old,
16 from obtaining nourishment, and thereby relieving the udder of
17 said cow, for a period of 24 hours.

18 (h) Specific violations; prima facie evidence of
19 violation.--

20 (1) (i) A person commits a summary offense if the
21 person crops, trims or cuts off, or causes or procures to
22 be cropped, trimmed or cut off, the whole or part of the
23 ear or ears of a dog.

24 (ii) The provisions of this paragraph shall not
25 prevent a veterinarian from cropping, trimming or cutting
26 off the whole or part of the ear or ears of a dog when
27 the dog is anesthetized and shall not prevent any person
28 from causing or procuring the cropping, trimming or
29 cutting off of a dog's ear or ears by a veterinarian.

30 (iii) The possession by any person of a dog with an

1 ear or ears cropped, trimmed or cut off and with the
2 wound or incision site resulting therefrom unhealed, or
3 any such dog being found in the charge or custody of any
4 person or confined upon the premises owned by or under
5 the control of any person, shall be prima facie evidence
6 of a violation of this subsection by the person except as
7 provided for in this subsection.

8 (iv) A person who procures the cropping, trimming or
9 cutting off of the whole or part of an ear or ears of a
10 dog shall record the procedure. The record shall include
11 the name of the attending veterinarian and the date and
12 location at which the procedure was performed. The record
13 shall be kept as long as the wound or incision site is
14 unhealed and shall be transferred with the dog during
15 that period of time.

16 (2) (i) A person commits a summary offense if the
17 person debarks a dog by cutting, causing or procuring the
18 cutting of its vocal cords or by altering, causing or
19 procuring the alteration of any part of its resonance
20 chamber.

21 (ii) The provisions of this paragraph shall not
22 prevent a veterinarian from cutting the vocal cords or
23 otherwise altering the resonance chamber of a dog when
24 the dog is anesthetized and shall not prevent a person
25 from causing or procuring a debarking procedure by a
26 veterinarian.

27 (iii) The possession by any person of a dog with the
28 vocal cords cut or the resonance chamber otherwise
29 altered and with the wound or incision site resulting
30 therefrom unhealed, or any such dog being found in the

1 charge or custody of any person or confined upon the
2 premises owned by or under the control of any person,
3 shall be prima facie evidence of a violation of this
4 paragraph by the person, except as provided in this
5 paragraph.

6 (iv) A person who procures the cutting of vocal
7 cords or the alteration of the resonance chamber of a dog
8 shall record the procedure. The record shall include the
9 name of the attending veterinarian and the date and
10 location at which the procedure was performed. The record
11 shall be kept as long as the wound or incision site is
12 unhealed and shall be transferred with the dog during
13 that period of time.

14 (3) (i) A person commits a summary offense if the
15 person docks, cuts off, causes or procures the docking or
16 cutting off of the tail of a dog over five days old.

17 (ii) The provisions of this paragraph shall not
18 prevent a veterinarian from docking, cutting off or
19 cropping the whole or part of the tail of a dog when the
20 dog is at least 12 weeks of age and the procedure is
21 performed using general anesthesia and shall not prevent
22 a person from causing or procuring the cutting off or
23 docking of a tail of a dog by a veterinarian as provided
24 in this paragraph.

25 (iii) The provisions of this section shall not
26 prevent a veterinarian from surgically removing, docking,
27 cutting off or cropping the tail of a dog between five
28 days and 12 weeks of age if, in the veterinarian's
29 professional judgment, the procedure is medically
30 necessary for the health and welfare of the dog. If the

1 procedure is performed, it shall be done in accordance
2 with generally accepted standards of veterinary practice.

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

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

18 (4) (i) A person commits a summary offense if the
19 person surgically births or causes or procures a surgical
20 birth.

21 (ii) The provisions of this section shall not
22 prevent a veterinarian from surgically birthing a dog
23 when the dog is anesthetized and shall not prevent any
24 person from causing or procuring a surgical birthing by a
25 veterinarian.

26 (iii) The possession by any person of a dog with a
27 wound or incision site resulting from a surgical birth
28 unhealed, or any such dog being found in the charge or
29 custody of any person or confined upon the premises owned
30 by or under the control of any person, shall be prima

1 facie evidence of a violation of this paragraph by the
2 person, except as provided in this paragraph.

3 (iv) A person who procures the surgical birth of a
4 dog shall record the procedure. The record shall include
5 the name of the attending veterinarian and the date and
6 location at which the procedure was performed. The record
7 shall be kept as long as the wound or incision site is
8 unhealed and shall be transferred with the dog during
9 that period of time.

10 (v) This paragraph shall not apply to personnel
11 required to comply with standards to minimize pain to an
12 animal set forth in section 2143(a)(3) of the Animal
13 Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.),
14 trained in accordance with section 2143(d) of the Animal
15 Welfare Act, who work in a federally registered research
16 facility required to comply with the Animal Welfare Act
17 under the guidance or oversight of a veterinarian.

18 (5) (i) A person commits a summary offense if the
19 person cuts off or causes or procures the cutting off of
20 the dewclaw of a dog over five days old.

21 (ii) The provisions of this paragraph shall not
22 prevent a veterinarian from cutting the dewclaw and shall
23 not prevent a person from causing or procuring the
24 procedure by a veterinarian.

25 (iii) The possession by any person of a dog with the
26 dewclaw cut off and with the wound or incision site
27 resulting therefrom unhealed, or any such dog being found
28 in the charge or custody of any person or confined upon
29 the premises owned by or under the control of any person,
30 shall be prima facie evidence of a violation of this

1 paragraph by the person, except as provided in this
2 paragraph.

3 (iv) A person who procures the cutting off of the
4 dewclaw of a dog shall record the procedure. The record
5 shall include the name of the attending veterinarian and
6 the date and location at which the procedure was
7 performed. The record shall be kept as long as the wound
8 or incision site is unhealed and shall be transferred
9 with the dog during that period of time.

10 (h.1) Animal fighting.--A person commits a felony of the
11 third degree if he:

12 (1) for amusement or gain, causes, allows or permits any
13 animal to engage in animal fighting;

14 (2) receives compensation for the admission of another
15 person to any place kept or used for animal fighting;

16 (3) owns, possesses, keeps, trains, promotes, purchases,
17 steals or acquires in any manner or knowingly sells any
18 animal for animal fighting;

19 (4) in any way knowingly encourages, aids or assists
20 therein;

21 (5) wagers on the outcome of an animal fight;

22 (6) pays for admission to an animal fight or attends an
23 animal fight as a spectator; or

24 (7) knowingly permits any place under his control or
25 possession to be kept or used for animal fighting.

26 This subsection shall not apply to activity undertaken in a
27 normal agricultural operation.

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

1 possesses animal fighting paraphernalia.

2 (i) Power to initiate criminal proceedings.--An agent of any
3 society or association for the prevention of cruelty to animals,
4 incorporated under the laws of the Commonwealth, shall have the
5 same powers to initiate criminal proceedings provided for police
6 officers by the Pennsylvania Rules of Criminal Procedure. An
7 agent of any society or association for the prevention of
8 cruelty to animals, incorporated under the laws of this
9 Commonwealth, shall have standing to request any court of
10 competent jurisdiction to enjoin any violation of this section.

11 (j) Seizure of animals kept or used for animal fighting.--
12 Any police officer or agent of a society or association for the
13 prevention of cruelty to animals incorporated under the laws of
14 this Commonwealth, shall have power to seize any animal kept,
15 used, or intended to be used for animal fighting. When the
16 seizure is made, the animal or animals so seized shall not be
17 deemed absolutely forfeited, but shall be held by the officer or
18 agent seizing the same until a conviction of some person is
19 first obtained for a violation of subsection (h.1) or forfeiture
20 is obtained under the act of July 9, 2013 (P.L.263, No.50),
21 known as the Costs of Care of Seized Animals Act. The officer or
22 agent making such seizure shall make due return to the issuing
23 authority, of the number and kind of animals or creatures so
24 seized by him. Where an animal is thus seized, the police
25 officer or agent is authorized to provide such care as is
26 reasonably necessary, and where any animal thus seized is found
27 to be disabled, injured or diseased beyond reasonable hope of
28 recovery, the police officer or agent is authorized to provide
29 for the humane destruction of the animal. In addition to any
30 other penalty provided by law, the authority imposing sentence

1 upon a conviction for any violation of subsection (h.1) shall
2 order the forfeiture or surrender of any abused, neglected or
3 deprived animal of the defendant to any society or association
4 for the prevention of cruelty to animals duly incorporated under
5 the laws of this Commonwealth and shall require that the owner
6 pay the cost of the keeping, care and destruction of the animal.

7 (k) Killing homing pigeons.--A person commits a summary
8 offense if he shoots, maims or kills any antwerp or homing
9 pigeon, either while on flight or at rest, or detains or entraps
10 any such pigeon which carries the name of its owner.

11 (l) Search warrants.--Where a violation of this section is
12 alleged, any issuing authority may, in compliance with the
13 applicable provisions of the Pennsylvania Rules of Criminal
14 Procedure, issue to any police officer or any agent of any
15 society or association for the prevention of cruelty to animals
16 duly incorporated under the laws of this Commonwealth a search
17 warrant authorizing the search of any building or any enclosure
18 in which any violation of this section is occurring or has
19 occurred, and authorizing the seizure of evidence of the
20 violation including, but not limited to, the animals which were
21 the subject of the violation. Where an animal thus seized is
22 found to be neglected or starving, the police officer or agent
23 is authorized to provide such care as is reasonably necessary,
24 and where any animal thus seized is found to be disabled,
25 injured or diseased beyond reasonable hope of recovery, the
26 police officer or agent is authorized to provide for the humane
27 destruction of the animal. The cost of the keeping, care and
28 destruction of the animal shall be paid by the owner thereof and
29 claims for the costs shall constitute a lien upon the animal. In
30 addition to any other penalty provided by law, the authority

1 imposing sentence upon a conviction for any violation of this
2 section may require that the owner pay the cost of the keeping,
3 care and destruction of the animal. No search warrant shall be
4 issued based upon an alleged violation of this section which
5 authorizes any police officer or agent or other person to enter
6 upon or search premises where scientific research work is being
7 conducted by, or under the supervision of, graduates of duly
8 accredited scientific schools or where biological products are
9 being produced for the care or prevention of disease.

10 (m) Forfeiture.--In addition to any other penalty provided
11 by law, the authority imposing sentence upon a conviction for
12 any violation of this section may order the forfeiture or
13 surrender of any abused, neglected or deprived animal of the
14 defendant to any society or association for the prevention of
15 cruelty to animals duly incorporated under the laws of this
16 Commonwealth.

17 (m.1) Fine for summary offense.--In addition to any other
18 penalty provided by law, a person convicted of a summary offense
19 under this section shall pay a fine of not less than \$50 nor
20 more than \$750 or to imprisonment for not more than 90 days, or
21 both.

22 (m.2) Prohibition of ownership.--Notwithstanding any
23 provision of law and in addition to any other penalty provided
24 by law, the authority imposing sentence upon a conviction for
25 any violation of this section may order the prohibition or
26 limitation of the defendant's ownership, possession, control or
27 custody of animals or employment with the care of animals for a
28 period of time not to exceed the statutory maximum term of
29 imprisonment applicable to the offense for which sentence is
30 being imposed.

1 (n) Skinning of and selling or buying pelts of dogs and
2 cats.--A person commits a summary offense if he skins a dog or
3 cat or offers for sale or exchange or offers to buy or exchange
4 the pelt or pelts of any dog or cat.

5 (o) Representation of humane society by attorney.--Upon
6 prior authorization and approval by the district attorney of the
7 county in which the proceeding is held, an association or agent
8 may be represented in any proceeding under this section by any
9 attorney admitted to practice before the Supreme Court of
10 Pennsylvania and in good standing. Attorney's fees shall be
11 borne by the humane society or association which is represented.

12 (o.1) Construction of section.--The provisions of this
13 section shall not supersede the act of December 7, 1982
14 (P.L.784, No.225), known as the Dog Law.

15 (p) Applicability of section.--This section shall not apply
16 to, interfere with or hinder any activity which is authorized or
17 permitted pursuant to the act of June 3, 1937 (P.L.1225,
18 No.316), known as The Game Law or Title 34 (relating to game).

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

22 "Animal fighting." Fighting or baiting any bull, bear, dog,
23 cock or other creature.

24 "Animal fighting paraphernalia." Any device, implement,
25 object or drug used or intended to be used for animal fighting,
26 to train an animal for animal fighting or in furtherance of
27 animal fighting. In determining whether an object is animal
28 fighting paraphernalia, a court or other authority should
29 consider statements by an owner or by anyone in control of the
30 object concerning its use, any prior convictions under Federal

1 or State law relating to animal fighting, the proximity of the
2 object in time and space to the direct violation of this
3 section, direct or circumstantial evidence of the intent of the
4 accused to deliver the object to persons whom he or she knows or
5 should reasonably know intends to use the object to facilitate a
6 violation of this section, oral or written instructions provided
7 with or in the vicinity of the object concerning its use,
8 descriptive materials accompanying the object which explain or
9 depict its use and all other logically relevant factors.

10 "Audibly impaired." The inability to hear air conduction
11 thresholds at an average of 40 decibels or greater in the better
12 ear.

13 "Blind." Having a visual acuity of 20/200 or less in the
14 better eye with correction or having a limitation of the field
15 of vision such that the widest diameter of the visual field
16 subtends an angular distance not greater than 20 degrees.

17 "Conveyance." A truck, tractor, trailer or semitrailer, or
18 any combination of these, propelled or drawn by mechanical
19 power.

20 "Deaf." Totally impaired hearing or hearing with or without
21 amplification which is so seriously impaired that the primary
22 means of receiving spoken language is through other sensory
23 input, including, but not limited to, lip reading, sign
24 language, finger spelling or reading.

25 "Domestic animal." Any dog, cat, equine animal, bovine
26 animal, sheep, goat or porcine animal.

27 "Domestic fowl." Any avis raised for food, hobby or sport.

28 "Equine animal." Any member of the Equidae family, which
29 includes horses, asses, mules, ponies and zebras.

30 "Normal agricultural operation." Normal activities,

1 practices and procedures that farmers adopt, use or engage in
2 year after year in the production and preparation for market of
3 poultry, livestock and their products in the production and
4 harvesting of agricultural, agronomic, horticultural,
5 silvicultural and aquicultural crops and commodities.

6 "Physically limited." Having limited ambulation, including,
7 but not limited to, a temporary or permanent impairment or
8 condition that causes an individual to use a wheelchair or walk
9 with difficulty or insecurity, affects sight or hearing to the
10 extent that an individual is insecure or exposed to danger,
11 causes faulty coordination or reduces mobility, flexibility,
12 coordination or perceptiveness.

13 "Zoo animal." Any member of the class of mammalia, aves,
14 amphibia or reptilia which is kept in a confined area by a
15 public body or private individual for purposes of observation by
16 the general public.

17 § 5511.1. Live animals as prizes prohibited.

18 (a) General rule.--No person shall give or offer to give
19 away any live animal, except fish, as a prize in any drawing,
20 lottery, contest, sweepstakes or other game. No person operating
21 any drawing, lottery, contest, sweepstake or other game shall
22 sell or offer to sell any live animal, except fish, in
23 conjunction with the operation of a drawing, lottery, contest,
24 sweepstakes or other game.

25 (b) Exception.--

26 (1) This section shall not apply to any domestic animal
27 given away or sold in connection with any agricultural,
28 educational or vocational program sponsored or sanctioned by
29 the Department of Agriculture.

30 (2) The Department of Agriculture shall promulgate the

1 rules and regulations necessary to provide the conditions and
2 requirements of live animal offerings under this subsection.

3 (c) Construction of section.--The provisions of this section
4 shall not supersede the act of December 7, 1982 (P.L.784,
5 No.225), known as the Dog Law.

6 (d) Penalty.--A violation of this section constitutes a
7 summary offense punishable by a fine of not more than \$250.
8 § 5511.2. Police animals.

9 (a) Illegal to taunt police animals.--It shall be unlawful
10 for any person to willfully or maliciously taunt, torment,
11 tease, beat, kick or strike a police animal. Any person who
12 violates any of the provisions of this subsection commits a
13 felony of the third degree.

14 (b) Illegal to torture police animals.--It shall be unlawful
15 for any person to willfully or maliciously torture, mutilate,
16 injure, disable, poison or kill a police animal. Any person who
17 violates any of the provisions of this subsection commits a
18 felony of the second degree.

19 (c) Restitution.--In any case in which a defendant is
20 convicted of a violation of subsection (a) or (b), the defendant
21 shall be ordered to make restitution to the agency or individual
22 owning the animal for any veterinary bills, for replacement
23 costs of the animal if it is disabled or killed and for the
24 salary of the animal's handler for the period of time the
25 handler's services are lost to the agency.

26 (d) Definitions.--As used in this section, the following
27 words and phrases shall have the meanings given to them in this
28 subsection:

29 "Accelerate detection dog." A dog which is trained for
30 accelerant detection, commonly referred to as arson canines.

1 "Bomb detection dog." A dog which is trained to locate a
2 bomb or explosives by scent.

3 "Narcotic detection dog." A dog which is trained to locate
4 narcotics by scent.

5 "Police animal." An animal, including, but not limited to,
6 dogs and horses, used by the Pennsylvania State Police, a police
7 department created by a metropolitan transportation authority
8 operating under 74 Pa.C.S. Ch. 17 (relating to metropolitan
9 transportation authorities), a police department created
10 pursuant to the act of April 6, 1956 (1955 P.L.1414, No.465),
11 known as the Second Class County Port Authority Act, the Capitol
12 Police, the Department of Corrections, a county facility or
13 office or by a municipal police department, fire department,
14 search and rescue unit or agency or handler under the
15 supervision of such department, search and rescue unit or agency
16 in the performance of the functions or duties of such
17 department, search and rescue unit or agency, whether the animal
18 is on duty or not on duty. The term shall include, but not be
19 limited to, an accelerant detection dog, bomb detection dog,
20 narcotic detection dog, search and rescue dog and tracking
21 animal.

22 "Search and rescue dog." A dog which is trained to locate
23 lost or missing persons, victims of natural or manmade disasters
24 and human bodies.

25 "Tracking animal." An animal which is trained to track or
26 used to pursue a missing person, escaped inmate or fleeing
27 felon.

28 § 5511.3. Assault with a biological agent on animal, fowl or
29 honey bees.

30 (a) Offense defined.--A person commits a felony of the

1 second degree if the person intentionally, knowingly or
2 maliciously exposes or causes to be exposed an animal, fowl or
3 honey bees to any virus, bacteria, prion or other agent which
4 causes infectious disease, including any of the following:

5 (1) Foot-and-mouth disease.

6 (2) Bovine spongiform encephalopathy (BSE), commonly
7 known as mad cow disease.

8 (3) Avian influenza.

9 (4) Varroamite.

10 (b) Restitution.--The person convicted of violating this
11 section shall, in addition to any other sentence imposed, be
12 sentenced to pay the owner of the afflicted animal, fowl or
13 honey bees restitution in an amount equal to the cost of the
14 financial damages incurred as a result of the offense, including
15 the following:

16 (1) Value of afflicted animal, fowl or honey bees.

17 (2) Disposal of afflicted animal, fowl or honey bees.

18 (3) Testing for disease on existing animal.

19 (4) Cleanup and sanitization of property and buildings
20 on and in which afflicted animals, fowl or honey bees were
21 located.

22 (5) Liability insurance for cleanup and sanitization
23 workers.

24 (6) Soil testing of property.

25 (7) Loss revenue for aggrieved owner of afflicted
26 animal, fowl or honey bees.

27 (c) Exceptions.--The provisions of this section shall not
28 apply to research or veterinarian services, including
29 immunizations, vaccinations or other treatments administered
30 during the normal scope of practice.]

1 Section 4. Chapter 55 of Title 18 is amended by adding a
2 subchapter to read:

3 SUBCHAPTER B

4 CRUELTY TO ANIMALS

5 Sec.

6 5531. Definitions.

7 5532. Neglect of animal.

8 5533. Cruelty to animal.

9 5534. Aggravated cruelty to animal.

10 5535. Attack of guide dog.

11 5536. Tethering of unattended dog.

12 5537. Selling or using disabled horse.

13 5538. Transporting animals in cruel manner.

14 5539. Transporting equine animals in cruel manner.

15 5540. Hours of labor of animals.

16 5541. Cruelty to cow to enhance appearance of udder.

17 5542. Animal mutilation and related offenses.

18 5543. Animal fighting.

19 5544. Possession of animal fighting paraphernalia.

20 5545. Killing homing pigeons.

21 5546. Skinning of and selling or buying pelts of dogs and cats.

22 5547. Live animals as prizes prohibited.

23 5548. Police animals.

24 5549. Assault with a biological agent on animal, fowl or honey
25 bees.

26 5550. Fine and term of imprisonment for summary offense.

27 5551. Power to initiate criminal proceedings.

28 5552. Seizure of animals kept or used for animal fighting.

29 5553. Search warrants.

30 5554. Forfeiture.

- 1 5555. Prohibition of ownership.
2 5556. Civil immunity for veterinarians, technicians and
3 assistants.
4 5557. Civil immunity for humane society police officers.
5 5558. Representation of humane society by attorney.
6 5559. Construction of subchapter.
7 5560. Exemption of normal agricultural operations.
8 5561. Nonapplicability of subchapter.
9 § 5531. Definitions.

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

13 "Accelerant detection dog." A dog that is trained for
14 accelerant detection, commonly referred to as arson canines.

15 "Animal fighting." Fighting or baiting a bull, bear, dog,
16 cock or other creature.

17 "Animal fighting paraphernalia." A device, implement, object
18 or drug used or intended to be used for animal fighting, to
19 train an animal for animal fighting or in furtherance of animal
20 fighting. In determining whether an object is animal fighting
21 paraphernalia, a court or other authority should consider the
22 following:

23 (1) Statements by an owner or by an individual in
24 control of the object concerning its use.

25 (2) A prior conviction under Federal or State law
26 relating to animal fighting.

27 (3) The proximity of the object in time and space to the
28 direct violation of this subchapter.

29 (4) Direct or circumstantial evidence of the intent of
30 the accused to deliver the object to persons whom the accused

1 knows or should reasonably know intends to use the object to
2 facilitate a violation of this subchapter.

3 (5) Oral or written instructions provided with or in the
4 vicinity of the object concerning the object's use.

5 (6) Descriptive materials accompanying the object which
6 explain or depict the object's use.

7 (7) All other logically relevant factors.

8 "Audibly impaired." The inability to hear air conduction
9 thresholds at an average of 40 decibels or greater in the better
10 ear.

11 "Blind." Having a visual acuity of 20/200 or less in the
12 better eye with correction or having a limitation of the field
13 of vision such that the widest diameter of the visual field
14 subtends an angular distance not greater than 20 degrees.

15 "Bodily injury." Impairment of physical condition or
16 substantial pain.

17 "Bomb detection dog." A dog that is trained to locate a bomb
18 or explosives by scent.

19 "Certified veterinary technician." As defined in section
20 3(13) of the act of December 27, 1974 (P.L.995, No.326), known
21 as the Veterinary Medicine Practice Act.

22 "Conveyance." A truck, tractor, trailer or semitrailer, or a
23 combination of these, propelled or drawn by mechanical power.

24 "Deaf." Totally impaired hearing or hearing with or without
25 amplification which is so seriously impaired that the primary
26 means of receiving spoken language is through other sensory
27 input, including, but not limited to, lip reading, sign
28 language, finger spelling or reading.

29 "Domestic animal." A dog, cat, equine animal, bovine animal,
30 sheep, goat or porcine animal.

1 "Domestic fowl." An avis raised for food, hobby or sport.

2 "Equine animal." A member of the Equidae family, which
3 includes horses, asses, mules, ponies and zebras.

4 "Humane society police officer." As defined in 22 Pa.C.S. §
5 3702 (relating to definitions).

6 "Licensed doctor of veterinary medicine." As defined in
7 section 3(8) of the Veterinary Medicine Practice Act.

8 "Narcotic detection dog." A dog that is trained to locate
9 narcotics by scent.

10 "Normal agricultural operation." Normal activities,
11 practices and procedures that farmers adopt, use or engage in
12 year after year in the production and preparation for market of
13 poultry, livestock and their products in the production and
14 harvesting of agricultural, agronomic, horticultural,
15 silvicultural and aquicultural crops and commodities.

16 "Physically limited." Having limited ambulation, including,
17 but not limited to, a temporary or permanent impairment or
18 condition that causes an individual to use a wheelchair or walk
19 with difficulty or insecurity, affects sight or hearing to the
20 extent that an individual is insecure or exposed to danger,
21 causes faulty coordination or reduces mobility, flexibility,
22 coordination or perceptiveness.

23 "Police animal." An animal, including, but not limited to,
24 dogs and horses, used by the Pennsylvania State Police, a police
25 department created by a metropolitan transportation authority
26 operating under 74 Pa.C.S. Ch. 17 (relating to metropolitan
27 transportation authorities), a police department created under
28 the act of April 6, 1956 (1955 P.L.1414, No.465), known as the
29 Second Class County Port Authority Act, the Capitol Police, the
30 Department of Corrections, a county facility or office or by a

1 municipal police department, fire department, search and rescue
2 unit or agency or handler under the supervision of the
3 department, search and rescue unit or agency in the performance
4 of the functions or duties of the department, search and rescue
5 unit or agency, whether the animal is on duty or not on duty.
6 The term shall include, but not be limited to, an accelerant
7 detection dog, bomb detection dog, narcotic detection dog,
8 search and rescue dog and tracking animal.

9 "Search and rescue dog." A dog that is trained to locate
10 lost or missing persons, victims of natural or manmade disasters
11 and human bodies.

12 "Serious bodily injury." Bodily injury that creates a
13 substantial risk of death or causes serious, permanent
14 disfigurement or protracted loss or impairment of the function
15 of a bodily member or organ.

16 "Torture." Any of the following acts directed toward or
17 against an animal unless directed to be performed by a
18 veterinarian acting within the normal scope of practice:

19 (1) Breaking, severing or severely impairing limbs.

20 (2) Inflicting severe and prolonged pain from burning,
21 crushing or wounding.

22 (3) Causing or allowing severe and prolonged pain
23 through prolonged deprivation of food or sustenance without
24 veterinary care.

25 "Tracking animal." An animal that is trained to track or
26 used to pursue a missing person, escaped inmate or fleeing
27 felon.

28 "Veterinarian." A licensed doctor of veterinary medicine,
29 certified veterinary technician or veterinary assistant.

30 "Veterinary assistant." As defined in section 3(14) of the

1 Veterinary Medicine Practice Act.

2 § 5532. Neglect of animal.

3 (a) Offense defined.--A person commits an offense if the
4 person fails to provide any of the following for each animal to
5 which the person has a duty of care, whether belonging to
6 himself or otherwise:

7 (1) Necessary sustenance and potable water.

8 (2) Access to clean and sanitary shelter and protection
9 from the weather. The shelter must be sufficient to permit
10 the animal to retain body heat and keep the animal dry.

11 (3) Necessary veterinary care.

12 (b) Grading.--

13 (1) Except as set forth in paragraph (2), a violation of
14 this section is a summary offense.

15 (2) If the violation causes bodily injury to the animal
16 or places the animal at imminent risk of serious bodily
17 injury, a violation of this section is a misdemeanor of the
18 third degree.

19 § 5533. Cruelty to animal.

20 (a) Offense defined.--A person commits an offense if the
21 person intentionally, knowingly or recklessly illtreats,
22 overloads, beats, abandons or abuses an animal.

23 (b) Grading.--

24 (1) Except as set forth in paragraph (2), a violation of
25 this section is a summary offense.

26 (2) If the violation causes bodily injury to the animal
27 or places the animal at imminent risk of serious bodily
28 injury, a violation of this section is a misdemeanor of the
29 second degree.

30 § 5534. Aggravated cruelty to animal.

1 (a) Offense defined.--A person commits an offense if the
2 person intentionally or knowingly does any of the following:

3 (1) Tortures an animal.

4 (2) Violates section 5532 (relating to neglect of
5 animal) or 5533 (relating to cruelty to animal) causing
6 serious bodily injury to the animal or the death of the
7 animal.

8 (b) Grading.--A violation of this section is a felony of the
9 third degree.

10 § 5535. Attack of guide dog.

11 (a) Offense defined.--A person commits a misdemeanor of the
12 third degree if the person is the owner of a dog that kills,
13 maims or disfigures a guide dog of an individual who is blind, a
14 hearing dog of an individual who is deaf or audibly impaired or
15 a service dog of an individual who is physically limited without
16 provocation by the guide, hearing or service dog or the
17 individual.

18 (b) Culpability.--A person commits an offense under this
19 section only if the person knew or should have known that the
20 dog the person owns had a propensity to attack human beings or
21 domestic animals without provocation, and the owner knowingly or
22 recklessly failed to restrain the dog or keep the dog in a
23 contained, secure manner.

24 (c) Penalty.--A person convicted of violating this section
25 shall be sentenced to pay a fine of not more than \$5,000 and
26 shall be ordered to make reparations for veterinary costs in
27 treating the guide, hearing or service dog and, if necessary,
28 the cost of obtaining and training a replacement guide, hearing
29 or service dog.

30 (d) Civil penalty and restitution.--

1 (1) A person who is the owner of a dog that kills, maims
2 or disfigures a guide dog of an individual who is blind, a
3 hearing dog of an individual who is deaf or audibly impaired
4 or a service dog of an individual who is physically limited
5 shall be subject to paragraph (2) if both of the following
6 apply:

7 (i) The owner knew the dog had a propensity to
8 attack human beings or domestic animals.

9 (ii) The owner failed to restrain the dog or keep
10 the dog in a contained, secure manner.

11 (2) A court of common pleas may impose any of the
12 following upon a person who is the owner of a dog under
13 paragraph (1):

14 (i) A civil penalty of up to \$15,000.

15 (ii) Reparations for veterinary costs in treating
16 the guide, hearing or service dog and, if necessary, the
17 cost of retraining the dog or of obtaining and training a
18 replacement guide, hearing or service dog.

19 (iii) Loss of income for the time the individual is
20 unable to work due to the unavailability of the guide,
21 hearing or service dog.

22 § 5536. Tethering of unattended dog.

23 (a) Presumptions.--

24 (1) Tethering an unattended dog out of doors for less
25 than nine hours within a 24-hour period when all of the
26 following conditions are present shall create a rebuttable
27 presumption that a dog has not been the subject of neglect
28 within the meaning of section 5532:

29 (i) The tether is of a type commonly used for the
30 size and breed of dog and is at least three times the

1 length of the dog as measured from the tip of its nose to
2 the base of its tail or 10 feet, whichever is longer.

3 (ii) The tether is secured to a well-fitted collar
4 or harness by means of a swivel anchor, swivel latch or
5 other mechanism designed to prevent the dog from becoming
6 entangled.

7 (iii) The tethered dog has access to potable water
8 and an area of shade that permits the dog to escape the
9 direct rays of the sun.

10 (iv) The dog has not been tethered for longer than
11 30 minutes in temperatures above 90 or below 32 degrees
12 Fahrenheit.

13 (2) The presence of any of the following conditions
14 regarding tethering an unattended dog out of doors shall
15 create a rebuttable presumption that a dog has been the
16 subject of neglect within the meaning of section 5532:

17 (i) Excessive waste or excrement in the area where
18 the dog is tethered.

19 (ii) Open sores or wounds on the dog's body.

20 (iii) The use of a tow or log chain, or a choke,
21 pinch, prong or chain collar.

22 (b) Construction.--This section shall not be construed to
23 prohibit any of the following:

24 (1) Tethering a dog while actively engaged in lawful
25 hunting, exhibition, performance events or field training.

26 (2) Tethering a hunting, sporting or sledding dog breed
27 where tethering is integral to the training, conditioning or
28 purpose of the dog.

29 (3) Tethering a dog in compliance with the requirements
30 of a camping or recreational area.

1 (4) Tethering a dog for a period of time, not to exceed
2 one hour, reasonably necessary for the dog or person to
3 complete a temporary task.

4 § 5537. Selling or using disabled horse.

5 A person commits a summary offense if the person offers for
6 sale or sells a horse, which by reason of debility, disease or
7 lameness, or for other cause, could not be worked or used
8 without violating the laws against cruelty to animals, or leads,
9 rides, drives or transports any such horse for any purpose,
10 except that of conveying the horse to the nearest available
11 appropriate facility for humane keeping or destruction or for
12 medical or surgical treatment.

13 § 5538. Transporting animals in cruel manner.

14 (a) Offense defined.--A person commits a summary offense if
15 the person carries, or causes or allows to be carried, in or
16 upon any cart or other vehicle whatsoever an animal in a cruel
17 or inhumane manner. The person taking the offender into custody
18 may take charge of the animal and of the vehicle and the
19 vehicle's contents, and deposit the same in a safe place of
20 custody, and the necessary expenses that may be incurred for
21 taking charge of and keeping the same, and sustaining the
22 animal, shall be a lien thereon, to be paid before the same can
23 lawfully be recovered, or the expenses or any part thereof
24 remaining unpaid may be recovered by the person incurring the
25 same from the owner of the animal in an action therefor.

26 (b) Exception.--For the purposes of this section, it shall
27 not be deemed cruel or inhumane to transport live poultry in
28 crates so long as not more than 15 pounds of live poultry are
29 allocated to each cubic foot of space in the crate.

30 § 5539. Transporting equine animals in cruel manner.

1 Notwithstanding any other provision of law, a person commits
2 a summary offense for each equine animal if the person carries,
3 or causes or allows to be carried, an equine animal in or upon a
4 conveyance or other vehicle whatsoever with two or more levels
5 stacked on top of one another. A person who violates this
6 section on a second or subsequent occasion commits a misdemeanor
7 of the third degree for each equine animal transported.

8 § 5540. Hours of labor of animals.

9 (a) Offense defined.--A person commits a summary offense if
10 the person leads, drives, rides or works or causes or permits
11 another person to lead, drive, ride or work a horse, mule, ox or
12 other animal, whether belonging to the person or in the person's
13 possession or control, for more than 15 hours in a 24-hour
14 period or more than 90 hours in one week.

15 (b) Construction.--Nothing in this section shall be
16 construed to warrant a person leading, driving, riding or
17 walking an animal for a period less than 15 hours, when doing so
18 shall in any way violate the laws against cruelty to animals.

19 § 5541. Cruelty to cow to enhance appearance of udder.

20 A person commits a summary offense if the person kneads or
21 beats or pads the udder of a cow, or willfully allows it to go
22 unmilked for a period of 24 hours or more, for the purpose of
23 enhancing the appearance or size of the udder of the cow, or by
24 a muzzle or any other device, prevents the cow's calf, if less
25 than six weeks old, from obtaining nourishment, and thereby
26 relieving the udder of the cow, for a period of 24 hours.

27 § 5542. Animal mutilation and related offenses.

28 (a) Cropping of ear.--The following apply:

29 (1) A person commits an offense under section 5533

30 (relating to cruelty to animal) if the person crops, trims or

1 cuts off, or causes or procures to be cropped, trimmed or cut
2 off, the whole or part of the ear or ears of a dog.

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

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

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

23 (b) Debarking.--The following apply:

24 (1) A person commits an offense under section 5533 if
25 the person debarks a dog by cutting, causing or procuring the
26 cutting of its vocal cords or by altering, causing or
27 procuring the alteration of a part of its resonance chamber.

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

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

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

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

17 (c) Docking of tail.--The following apply:

18 (1) A person commits an offense under section 5533 if
19 the person docks, cuts off, causes or procures the docking or
20 cutting off of the tail of a dog over five days old.

21 (2) The provisions of this subchapter shall not prevent
22 a veterinarian from docking, cutting off or cropping the
23 whole or part of the tail of a dog when the dog is at least
24 12 weeks of age and the procedure is performed using general
25 anesthesia and shall not prevent a person from causing or
26 procuring the cutting off or docking of a tail of a dog by a
27 veterinarian as provided in this subsection.

28 (3) The provisions of this subchapter shall not prevent
29 a veterinarian from surgically removing, docking, cutting off
30 or cropping the tail of a dog between five days and 12 weeks

1 of age if, in the veterinarian's professional judgment, the
2 procedure is medically necessary for the health and welfare
3 of the dog. If the procedure is performed, it shall be done
4 in accordance with generally accepted standards of veterinary
5 practice.

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

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

20 (d) Surgical birth.--The following apply:

21 (1) A person commits an offense under section 5533 if
22 the person surgically births or causes or procures a surgical
23 birth.

24 (2) The provisions of this subchapter shall not prevent
25 a veterinarian from surgically birthing a dog when the dog is
26 anesthetized and shall not prevent a person from causing or
27 procuring a surgical birthing by a veterinarian.

28 (3) The possession by a person of a dog with a wound or
29 incision site resulting from a surgical birth unhealed, or
30 any such dog being found in the charge or custody of a person

1 or confined upon the premises owned by or under the control
2 of any person, shall be prima facie evidence of a violation
3 by the person, except as provided in this subsection.

4 (4) A person who procures the surgical birth of a dog
5 shall record the procedure. The record shall include the name
6 of the attending veterinarian and the date and location at
7 which the procedure was performed. The record shall be kept
8 as long as the wound or incision site is unhealed and shall
9 be transferred with the dog during that period of time.

10 (5) This subsection shall not apply to personnel
11 required to comply with standards to minimize pain to an
12 animal set forth in section 2143(a) (3) of the Animal Welfare
13 Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.), trained in
14 accordance with section 2143(d) of the Animal Welfare Act,
15 who work in a federally registered research facility required
16 to comply with the Animal Welfare Act under the guidance or
17 oversight of a veterinarian.

18 (e) Declawing.--The following apply:

19 (1) A person commits an offense under section 5533 if
20 the person cuts off or causes or procures the cutting off of
21 the dewclaw of a dog over five days old.

22 (2) The provisions of this subchapter shall not prevent
23 a veterinarian from cutting the dewclaw and shall not prevent
24 a person from causing or procuring the procedure by a
25 veterinarian.

26 (3) The possession by a person of a dog with the dewclaw
27 cut off and with the wound or incision site resulting
28 therefrom unhealed, or any such dog being found in the charge
29 or custody of a person or confined upon the premises owned by
30 or under the control of a person, shall be prima facie

1 evidence of a violation by the person, except as provided in
2 this subsection.

3 (4) A person who procures the cutting off of the dewclaw
4 of a dog shall record the procedure. The record shall include
5 the name of the attending veterinarian and the date and
6 location at which the procedure was performed. The record
7 shall be kept as long as the wound or incision site is
8 unhealed and shall be transferred with the dog during that
9 period of time.

10 (f) Additional penalty.--In addition to any other penalty
11 provided by law, upon conviction for conduct described in this
12 section, the court may order the convicted person to undergo a
13 psychological or psychiatric evaluation and to undergo treatment
14 at the convicted person's expense that the court determines to
15 be appropriate after due consideration of the evaluation.

16 § 5543. Animal fighting.

17 A person commits a felony of the third degree if the person:

18 (1) for amusement or gain, causes, allows or permits an
19 animal to engage in animal fighting;

20 (2) receives compensation for the admission of another
21 person to a place kept or used for animal fighting;

22 (3) owns, possesses, keeps, trains, promotes, purchases,
23 steals or acquires in any manner or knowingly sells an animal
24 for animal fighting;

25 (4) in any way knowingly encourages, aids or assists
26 therein;

27 (5) wagers on the outcome of an animal fight;

28 (6) pays for admission to an animal fight or attends an
29 animal fight as a spectator; or

30 (7) knowingly permits a place under the person's control

1 or possession to be kept or used for animal fighting.

2 § 5544. Possession of animal fighting paraphernalia.

3 In addition to any other penalty provided by law, a person
4 commits a misdemeanor of the third degree if the person
5 knowingly owns or possesses animal fighting paraphernalia.

6 § 5545. Killing homing pigeons.

7 A person commits a summary offense if the person shoots,
8 maims or kills an antwerp or homing pigeon, either while on
9 flight or at rest, or detains or entraps a pigeon which carries
10 the name of the pigeon's owner.

11 § 5546. Skinning of and selling or buying pelts of dogs and
12 cats.

13 A person commits a summary offense if the person skins a dog
14 or cat or offers for sale or exchange or offers to buy or
15 exchange the pelt or pelts of a dog or cat.

16 § 5547. Live animals as prizes prohibited.

17 (a) General rule.--No person shall give or offer to give
18 away a live animal, except fish, as a prize in a drawing,
19 lottery, contest, sweepstakes or other game. No person operating
20 a drawing, lottery, contest, sweepstakes or other game shall
21 sell or offer to sell a live animal, except fish, in conjunction
22 with the operation of a drawing, lottery, contest, sweepstakes
23 or other game.

24 (b) Regulating certain actions concerning fowl or rabbits.--
25 No person shall sell, offer for sale, barter or give away baby
26 chickens, ducklings or other fowl under one month of age or
27 rabbits under two months of age as pets, toys, premiums or
28 novelties or color, dye, stain or otherwise change the natural
29 color of baby chickens, ducklings or other fowl or rabbits. This
30 subsection shall not be construed to prohibit the sale or

1 display of baby chickens, ducklings or other fowl or rabbits in
2 proper facilities by persons engaged in the business of selling
3 them for purposes of commercial breeding and raising.

4 (c) Exception.--

5 (1) This section shall not apply to a domestic animal
6 given away or sold in connection with an agricultural,
7 educational or vocational program sponsored or sanctioned by
8 the Department of Agriculture.

9 (2) The Department of Agriculture shall promulgate the
10 rules and regulations necessary to provide the conditions and
11 requirements of live animal offerings under this subsection.

12 (d) Penalty.--A violation of this section constitutes a
13 summary offense punishable by a fine of not more than \$250.
14 § 5548. Police animals.

15 (a) Illegal to taunt police animals.--It shall be unlawful
16 for a person to intentionally or knowingly taunt, torment,
17 tease, beat, kick or strike a police animal. A person who
18 violates the provisions of this subsection commits a felony of
19 the third degree.

20 (b) Illegal to torture police animals.--It shall be unlawful
21 for a person to intentionally or knowingly torture, mutilate,
22 injure, disable, poison or kill a police animal. A person who
23 violates the provisions of this subsection commits a felony of
24 the second degree.

25 (c) Restitution.--In a case in which a defendant is
26 convicted of a violation of subsection (a) or (b), the defendant
27 shall be ordered to make restitution to the agency or individual
28 owning the animal for veterinary bills, for replacement costs of
29 the animal if it is disabled or killed and for the salary of the
30 animal's handler for the period of time the handler's services

1 are lost to the agency.

2 § 5549. Assault with a biological agent on animal, fowl or
3 honey bees.

4 (a) Offense defined.--A person commits a felony of the
5 second degree if the person intentionally, knowingly or
6 maliciously exposes or causes to be exposed an animal, fowl or
7 honey bees to a virus, bacteria, prion or other agent which
8 causes infectious disease, including any of the following:

9 (1) Foot-and-mouth disease.

10 (2) Bovine spongiform encephalopathy (BSE), commonly
11 known as mad cow disease.

12 (3) Avian influenza.

13 (4) Varroa mite.

14 (b) Restitution.--The person convicted of violating this
15 section shall, in addition to any other sentence imposed, be
16 sentenced to pay the owner of the afflicted animal, fowl or
17 honey bees restitution in an amount equal to the cost of the
18 financial damages incurred as a result of the offense, including
19 the following:

20 (1) Value of afflicted animal, fowl or honey bees.

21 (2) Disposal of afflicted animal, fowl or honey bees.

22 (3) Testing for disease on existing animal.

23 (4) Cleanup and sanitization of property and buildings
24 on and in which afflicted animals, fowl or honey bees were
25 located.

26 (5) Liability insurance for cleanup and sanitization
27 workers.

28 (6) Soil testing of property.

29 (7) Loss of revenue for the aggrieved owner of afflicted
30 animal, fowl or honey bees.

1 (c) Exceptions.--The provisions of this section shall not
2 apply to research or veterinarian services, including
3 immunizations, vaccinations or other treatments administered
4 during the normal scope of practice.

5 § 5550. Fine and term of imprisonment for summary offense.

6 Unless otherwise specifically provided, a person convicted of
7 a summary offense under this subchapter shall, upon conviction,
8 be sentenced to pay a fine of not less than \$50 nor more than
9 \$750 or imprisonment for not more than 90 days, or both.

10 § 5551. Power to initiate criminal proceedings.

11 An agent of a society or association for the prevention of
12 cruelty to animals, incorporated under the laws of this
13 Commonwealth, shall have the same powers to initiate criminal
14 proceedings provided for police officers by the Pennsylvania
15 Rules of Criminal Procedure. An agent of a society or
16 association for the prevention of cruelty to animals,
17 incorporated under the laws of this Commonwealth, shall have
18 standing to request a court of competent jurisdiction to enjoin
19 a violation of this subchapter.

20 § 5552. Seizure of animals kept or used for animal fighting.

21 A police officer or agent of a society or association for the
22 prevention of cruelty to animals incorporated under the laws of
23 this Commonwealth shall have power to seize an animal kept, used
24 or intended to be used for animal fighting. When the seizure is
25 made, the animal or animals seized shall not be deemed
26 absolutely forfeited but shall be held by the officer or agent
27 seizing the animal or animals until a conviction of a person is
28 first obtained for a violation of section 5543 (relating to
29 animal fighting) or forfeiture is obtained under the act of July
30 9, 2013 (P.L.263, No.50), known as the Costs of Care of Seized

1 Animals Act. The officer or agent making the seizure shall make
2 due return to the issuing authority of the number and kind of
3 animals or creatures seized by the officer or agent. Where an
4 animal is seized, the police officer or agent is authorized to
5 provide the care that is reasonably necessary and, where an
6 animal seized is found to be disabled, injured or diseased
7 beyond reasonable hope of recovery, the police officer or agent
8 is authorized to provide for the humane destruction of the
9 animal. In addition to any other penalty provided by law, the
10 authority imposing sentence upon a conviction for a violation of
11 section 5543 shall order the forfeiture or surrender of an
12 abused or neglected animal of the defendant to a society or
13 association for the prevention of cruelty to animals duly
14 incorporated under the laws of this Commonwealth and shall
15 require that the owner pay the cost of the keeping, care and
16 destruction of the animal.

17 § 5553. Search warrants.

18 Where a violation of this subchapter is alleged, an issuing
19 authority may, in compliance with the applicable provisions of
20 the Pennsylvania Rules of Criminal Procedure, issue to a police
21 officer or an agent of a society or association for the
22 prevention of cruelty to animals duly incorporated under the
23 laws of this Commonwealth a search warrant authorizing the
24 search of a building or an enclosure in which a violation of
25 this subchapter is occurring or has occurred and authorizing the
26 seizure of evidence of the violation, including, but not limited
27 to, the animals which were the subject of the violation. Where
28 an animal seized is found to be neglected or starving, the
29 police officer or agent is authorized to provide the care that
30 is reasonably necessary and, where any animal seized is found to

1 be disabled, injured or diseased beyond reasonable hope of
2 recovery, the police officer or agent is authorized to provide
3 for the humane destruction of the animal. The cost of the
4 keeping, care and destruction of the animal shall be paid by the
5 owner of the animal, and claims for the costs shall constitute a
6 lien upon the animal. In addition to any other penalty provided
7 by law, the authority imposing sentence upon a conviction for a
8 violation of this subchapter may require that the owner pay the
9 cost of the keeping, care and destruction of the animal. No
10 search warrant shall be issued based upon an alleged violation
11 of this subchapter which authorizes a police officer or agent or
12 other person to enter upon or search premises where scientific
13 research work is being conducted by or under the supervision of
14 graduates of duly accredited scientific schools or where
15 biological products are being produced for the care or
16 prevention of disease.

17 § 5554. Forfeiture.

18 (a) General rule.--Except as provided under subsection (b),
19 in addition to any other penalty provided by law, the authority
20 imposing sentence upon a conviction for a violation of this
21 subchapter may order the forfeiture or surrender of an abused or
22 neglected animal of the defendant to a society or association
23 for the prevention of cruelty to animals duly incorporated under
24 the laws of this Commonwealth.

25 (b) Forfeiture required for felony offense.--If the
26 conviction under this subchapter is for an offense graded as a
27 felony, the authority imposing sentence shall order forfeiture
28 or surrender of an abused or neglected animal of the defendant
29 to a society or association for the prevention of cruelty to
30 animals duly incorporated under the laws of this Commonwealth.

1 § 5555. Prohibition of ownership.

2 Notwithstanding any provision of law and in addition to any
3 other penalty provided by law, the authority imposing sentence
4 upon a conviction for a violation of this subchapter may order
5 the prohibition or limitation of the defendant's ownership,
6 possession, control or custody of animals or employment with the
7 care of animals for a period of time not to exceed the statutory
8 maximum term of imprisonment applicable to the offense for which
9 sentence is being imposed. A humane society police officer, law
10 enforcement officer or State dog warden shall have authority to
11 ensure compliance with this section and may notify the local
12 district attorney who may petition the court to remove animals
13 kept in violation of this section.

14 § 5556. Civil immunity for veterinarians.

15 (a) A veterinarian who reports, in good faith and in the
16 normal course of business, a suspected violation of this
17 subchapter to the proper authority shall not be liable for civil
18 damages as a result of reporting the incident.

19 (b) Nonapplicability.--Subsection (a) shall not apply to an
20 act or omission intentionally designed to harm or to an act or
21 omission that constitutes gross negligence or willful, wanton or
22 reckless conduct.

23 § 5557. Civil immunity for humane society police officers.

24 (a) General rule.--A humane society police officer acting in
25 good faith and within the scope of the authority provided under
26 this subchapter shall not be liable for civil damages as a
27 result of an act or omission in the course of an investigation
28 or enforcement action.

29 (b) Nonapplicability.--Subsection (a) shall not apply to an
30 act or omission intentionally designed to harm, or to an act or

1 omission that constitutes gross negligence or willful, wanton or
2 reckless conduct.

3 § 5558. Representation of humane society by attorney.

4 Upon prior authorization and approval by the district
5 attorney of the county in which the proceeding is held, an
6 association or agent may be represented in a proceeding under
7 this subchapter by an attorney admitted to practice before the
8 Supreme Court of Pennsylvania and in good standing. Attorney
9 fees shall be borne by the humane society or association that is
10 represented.

11 § 5559. Construction of subchapter.

12 The provisions of this subchapter shall not supersede the act
13 of December 7, 1982 (P.L.784, No.225), known as the Dog Law.

14 § 5560. Exemption of normal agricultural operations.

15 Sections 5532 (relating to neglect of animal), 5533 (relating
16 to cruelty to animal), 5534 (relating to aggravated cruelty to
17 animal), 5536 (relating to tethering of unattended dog) and 5543
18 (relating to animal fighting) shall not apply to activity
19 undertaken in a normal agricultural operation.

20 § 5561. Nonapplicability of subchapter.

21 (a) Game law.--This subchapter shall not apply to, interfere
22 with or hinder any activity which is authorized or permitted
23 under 34 Pa.C.S. (relating to game) or the regulations
24 promulgated under those laws.

25 (b) Exemptions.--The provisions of this subchapter shall not
26 apply to the following:

27 (1) The killing of a dog or cat by the owner of that
28 animal if it is accomplished in accordance with the act of
29 December 22, 1983 (P.L.303, No.83), known as the Animal
30 Destruction Method Authorization Law.

1 (2) The killing of an animal found pursuing, wounding or
2 killing a domestic animal or domestic fowl.

3 (3) The killing of an animal or fowl under 34 Pa.C.S. §§
4 2384 (relating to declaring dogs public nuisances) and 2385
5 (relating to destruction of dogs declared public nuisances)
6 or regulations promulgated under 34 Pa.C.S. §§ 2384 and 2385.

7 (4) Reasonable activity that may be undertaken with
8 vermin control or pest control.

9 (5) Shooting activities not otherwise prohibited under
10 this subchapter.

11 (6) Conduct that is lawful under the laws of the United
12 States or this Commonwealth relating to activities undertaken
13 by a research facility that is one of the following:

14 (i) Registered and inspected under the Animal
15 Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.).

16 (ii) Subject to the Public Health Service Policy on
17 Humane Care and Use of Laboratory Animals provided for
18 under the Public Health Service Act (58 Stat. 682, 42
19 U.S.C. § 201 et seq.).

20 (iii) Subject to the provisions of 21 CFR Pt. 58
21 (relating to good laboratory practice for nonclinical
22 laboratory studies) under the Federal Food, Drug and
23 Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.) or
24 the Public Health Service Act.

25 Section 5. The definitions of "cruelty to animals laws" and
26 "humane society police officer" in section 3702 of Title 22 are
27 amended to read:

28 § 3702. Definitions.

29 The following words and phrases when used in this chapter
30 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 * * *

3 "Cruelty to animals laws." The provisions of 18 Pa.C.S. [§
4 5511] Ch. 55 Subch. B (relating to cruelty to animals).

5 * * *

6 "Humane society police officer." Any person who holds a
7 current appointment under this chapter to act as a humane
8 society police officer for a society or association for the
9 prevention of cruelty to animals. The term shall include an
10 individual who is an agent of a society or association for the
11 prevention of cruelty to animals as "agent" is used in 18
12 Pa.C.S. [§ 5511] Ch. 55 Subch. B (relating to cruelty to
13 animals), provided that individual holds a current appointment
14 under this chapter.

15 * * *

16 Section 6. Sections 3704(a), 3705, 3706(a), 3708(a), 3710
17 and 3716 of Title 22 are amended to read:

18 § 3704. Appointment by nonprofit corporations.

19 (a) Application for appointment.--A society or association
20 may apply to the court of common pleas in any county for the
21 appointment of an individual as a humane society police officer
22 for that county[.] by providing proof of qualification under
23 section 3705 (relating to qualifications for appointment) to the
24 court of common pleas and to the district attorney. The court,
25 upon [such application which includes proof of qualification
26 under section 3705 (relating to qualifications for appointment),
27 shall] reviewing the application and considering the
28 recommendation, if any, of the district attorney, may by order
29 appoint such person to be a humane society police officer.

30 * * *

1 § 3705. Qualifications for appointment.

2 [An individual shall be qualified for an] In order for an
3 individual to be considered for appointment as a humane society
4 police officer [provided], the society or association [submits]
5 must submit proof satisfactory to the court of common pleas and
6 the district attorney in each county for which the society or
7 association directs the individual to act as a humane society
8 police officer that the individual [meets all of the following
9 requirements]:

10 (1) Has been a resident of this Commonwealth for the
11 previous 12 months.

12 (2) Has successfully completed the training program
13 established pursuant to section 3712 (relating to training
14 program).

15 (3) Has obtained a criminal history report from the
16 Pennsylvania State Police pursuant to 18 Pa.C.S. Ch. 91
17 (relating to criminal history record information) or a
18 statement from the Pennsylvania State Police that the
19 Pennsylvania State Police central repository contains no
20 pertinent information relating to the individual who is the
21 subject of the application. The criminal history record
22 information shall be limited to that which may be
23 disseminated pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to
24 general regulations).

25 (4) Has not been convicted of an offense graded a felony
26 or a serious misdemeanor.

27 (5) Has not been convicted of any violation, including a
28 summary offense, of 18 Pa.C.S. [§ 5511] Ch. 55 Subch. B
29 (relating to cruelty to animals).

30 (6) Has not been convicted of an offense in another

1 jurisdiction, state, territory or country in accordance with
2 the laws of that jurisdiction, state, territory or country
3 equivalent to an offense graded a felony or a serious
4 misdemeanor or an offense of cruelty to animals.

5 § 3706. Suspension, revocation, limitation and restriction of
6 appointment; restoration of appointment.

7 (a) Grounds for suspension, revocation, limitation or
8 restriction.--By its own action, on petition by a district
9 attorney or pursuant to a written affidavit filed by a
10 complainant, the court of common pleas may, after conducting a
11 hearing, suspend, revoke, limit or restrict an appointment of an
12 individual to act as a humane society police officer in the
13 county if the court determines any of the following:

14 (1) Being convicted of a felony or a serious misdemeanor
15 in any Federal or State court or being convicted of the
16 equivalent of a felony in any foreign country, territory or
17 possession.

18 (2) Being convicted of an offense of cruelty to animals
19 in any Federal or State court or being convicted of the
20 equivalent of a cruelty to animals offense in any foreign
21 country, territory or possession.

22 (3) Presenting false credentials or documents or making
23 a false or misleading statement in the application for
24 appointment or a certification of completion of additional
25 training or submitting an application for appointment or a
26 certification for completion of additional training
27 containing a false or misleading statement.

28 (4) Carrying or possessing a firearm in the performance
29 of his or her duties without certification pursuant to
30 section 3711 (relating to limitation on possession of

1 firearms).

2 (5) The individual has conducted his or her authority to
3 enforce animal cruelty laws in a manner that is substandard
4 of conduct normally expected of humane society police
5 officers.

6 * * *

7 § 3708. Powers and authority; jurisdiction.

8 (a) Authority limited to county of appointment.--An
9 individual appointed as a humane society police officer in
10 accordance with this chapter shall have power and authority to
11 exercise the powers conferred under 18 Pa.C.S. [§ 5511] Ch. 55
12 Subch. B (relating to cruelty to animals) in enforcement of
13 animal cruelty laws only within the particular county whose
14 court of common pleas issued the appointment. The individual has
15 no power or authority to exercise the powers conferred under 18
16 Pa.C.S. [§ 5511] Ch. 55 Subch. B in any other county whose court
17 of common pleas has not issued an appointment.

18 * * *

19 § 3710. Search warrants.

20 Notwithstanding contrary provisions of 18 Pa.C.S. [§ 5511(1)]
21 Ch. 55 Subch. B (relating to cruelty to animals) and in addition
22 to the requirements of existing law, all search warrant
23 applications filed in connection with alleged violations of
24 cruelty to animals laws must have the approval of the district
25 attorney in the county of the alleged offense prior to filing.

26 § 3716. Costs.

27 In addition to any fines, fees or other penalties levied or
28 imposed under this chapter or any other statute, a cost of \$50
29 shall be imposed upon conviction for any violation of 18 Pa.C.S.
30 [§ 5511] Ch. 55 Subch. B (relating to cruelty to animals) other

1 than a summary offense. Costs collected under this section shall
2 be disposed of in accordance with section 3717 (relating to
3 disposition of moneys).

4 Section 7. Section 2385(c)(1) of Title 34 is amended to
5 read:

6 § 2385. Destruction of dogs declared public nuisances.

7 * * *

8 (c) Inapplicability of certain laws.--

9 (1) The provisions of 18 Pa.C.S. [§ 5511] Ch. 55 Subch.
10 B (relating to cruelty to animals) shall not apply to any
11 person killing any dog pursuant to subsection (a).

12 * * *

13 Section 8. Section 3573(c)(1) of Title 42 is amended to
14 read:

15 § 3573. Municipal corporation portion of fines, etc.

16 * * *

17 (c) Summary offenses.--Fines, forfeited recognizances and
18 other forfeitures imposed, lost or forfeited under the following
19 provisions of law shall, when any such offense is committed in a
20 municipal corporation, be payable to such municipal corporation:

21 (1) Under the following provisions of Title 18 (relating
22 to crimes and offenses):

23 Section 2709(a)(1), (2) and (3) (relating to
24 harassment).

25 Section 3304 (relating to criminal mischief).

26 Section 3503 (relating to criminal trespass).

27 Section 3929 (relating to retail theft).

28 Section 4105 (relating to bad checks).

29 Section 5503 (relating to disorderly conduct).

30 Section 5505 (relating to public drunkenness).

1 [Section 5511] Ch. 55 Subch. B (relating to cruelty
2 to animals).

3 Section 6308 (relating to purchase, consumption,
4 possession or transportation of intoxicating beverages).

5 Section 6501 (relating to scattering rubbish).

6 * * *

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