

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2383 Session of 2015

INTRODUCED BY STEPHENS, SANTARSIERO, W. KELLER, GREINER, ROZZI, DEAN, FREEMAN, SCHLOSSBERG, WATSON, READSHAW, KAUFFMAN, O'BRIEN, GERGELY, JAMES, BURNS, FARRY, A. HARRIS, MILLARD, SAINATO, STAATS, GIBBONS, DEASY, MURT, D. COSTA, ELLIS, GROVE, SCHWEYER, DeLUCA AND MILNE, OCTOBER 3, 2016

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 3, 2016

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
 2 Consolidated Statutes, in riot, disorderly conduct and
 3 related offenses, further providing for the offense of
 4 cruelty to animals and for live animals as prizes prohibited;
 5 and making editorial changes.

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

8 Section 1. Chapter 55 of Title 18 of the Pennsylvania
 9 Consolidated Statutes is amended by adding a subchapter heading
 10 to read:

11 SUBCHAPTER A

12 DEFINITION OF OFFENSES GENERALLY

13 Section 2. Section 5511 of Title 18 is repealed:

14 [§ 5511. Cruelty to animals.

15 (a) Killing, maiming or poisoning domestic animals or zoo
 16 animals, etc.--

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

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

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

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

12 Any person convicted of violating the provisions of this
13 paragraph shall be sentenced to pay a fine of not less than
14 \$500.

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

17 (i) Kills, maims or disfigures any zoo animal in
18 captivity.

19 (ii) Administers poison to or exposes any poisonous
20 substance with the intent to administer such poison to
21 any zoo animal in captivity.

22 (2.1) (i) A person commits a misdemeanor of the first
23 degree if he willfully and maliciously:

24 (A) Kills, maims, mutilates, tortures or
25 disfigures any dog or cat, whether belonging to
26 himself or otherwise. If a person kills, maims,
27 mutilates, tortures or disfigures a dog guide for an
28 individual who is blind, a hearing dog for an
29 individual who is deaf or audibly impaired or a
30 service dog for an individual who is physically

1 limited, whether belonging to the individual or
2 otherwise, that person, in addition to any other
3 applicable penalty, shall be required to make
4 reparations for veterinary costs in treating the dog
5 and, if necessary, the cost of obtaining and training
6 a replacement dog.

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

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

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

23 (3) This subsection shall not apply to:

24 (i) the killing of any animal taken or found in the
25 act of actually destroying any domestic animal or
26 domestic fowl;

27 (ii) the killing of any animal or fowl pursuant to
28 the act of June 3, 1937 (P.L.1225, No.316), known as The
29 Game Law, or 34 Pa.C.S. §§ 2384 (relating to declaring
30 dogs public nuisances) and 2385 (relating to destruction

1 of dogs declared public nuisances), or the regulations
2 promulgated thereunder; or

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

5 (a.1) Guide dogs.--

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

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

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

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

26 (1) A person who is the owner or co-owner of a dog that
27 kills, maims or disfigures a guide dog of an individual who
28 is blind, a hearing dog of an individual who is deaf or
29 audibly impaired or a service dog of an individual who is
30 physically limited shall be subject to paragraph (2) if all

1 of the following apply:

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

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

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

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

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

14 (iii) Loss of income for the time the individual is
15 unable to work due to the unavailability of the guide,
16 hearing or service dog.

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

29 (c) Cruelty to animals.--

30 (1) A person commits an offense if he wantonly or

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

9 (2) (i) Except as provided in subparagraph (ii), a
10 person convicted of violating paragraph (1) commits a
11 summary offense.

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

15 (A) The action or omission for which the person
16 was convicted for a subsequent time was performed on
17 a dog or cat.

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

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

24 (d) Selling or using disabled horse.--A person commits a
25 summary offense if he offers for sale or sells any horse, which
26 by reason of debility, disease or lameness, or for other cause,
27 could not be worked or used without violating the laws against
28 cruelty to animals, or leads, rides, drives or transports any
29 such horse for any purpose, except that of conveying the horse
30 to the nearest available appropriate facility for its humane

1 keeping or destruction or for medical or surgical treatment.

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

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

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

27 (f) Hours of labor of animals.--A person commits a summary
28 offense if he leads, drives, rides or works or causes or permits
29 any other person to lead, drive, ride or work any horse, mare,
30 mule, ox, or any other animal, whether belonging to himself or

1 in his possession or control, for more than 15 hours in any 24
2 hour period, or more than 90 hours in any one week.

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

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

15 (h) Specific violations; prima facie evidence of
16 violation.--

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

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

27 (iii) The possession by any person of a dog with an
28 ear or ears cropped, trimmed or cut off and with the
29 wound or incision site resulting therefrom unhealed, or
30 any such dog being found in the charge or custody of any

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

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

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

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

24 (iii) The possession by any person of a dog with the
25 vocal cords cut or the resonance chamber otherwise
26 altered and with the wound or incision site resulting
27 therefrom unhealed, or any such dog being found in the
28 charge or custody of any person or confined upon the
29 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 of vocal
4 cords or the alteration of the resonance chamber of a dog
5 shall record the procedure. The record shall include the
6 name of the attending veterinarian and the date and
7 location at which the procedure was performed. The record
8 shall be kept as long as the wound or incision site is
9 unhealed and shall be transferred with the dog during
10 that period of time.

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

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

22 (iii) The provisions of this section shall not
23 prevent a veterinarian from surgically removing, docking,
24 cutting off or cropping the tail of a dog between five
25 days and 12 weeks of age if, in the veterinarian's
26 professional judgment, the procedure is medically
27 necessary for the health and welfare of the dog. If the
28 procedure is performed, it shall be done in accordance
29 with generally accepted standards of veterinary practice.

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

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

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

15 (4) (i) A person commits a summary offense if the
16 person surgically births or causes or procures a surgical
17 birth.

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

23 (iii) The possession by any person of a dog with a
24 wound or incision site resulting from a surgical birth
25 unhealed, or any such dog being found in the charge or
26 custody of any person or confined upon the premises owned
27 by or under the control of any person, shall be prima
28 facie evidence of a violation of this paragraph by the
29 person, except as provided in this paragraph.

30 (iv) A person who procures the surgical birth of a

1 dog shall record the procedure. The record shall include
2 the name of the attending veterinarian and the date and
3 location at which the procedure was performed. The record
4 shall be kept as long as the wound or incision site is
5 unhealed and shall be transferred with the dog during
6 that period of time.

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

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

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

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

30 (iv) A person who procures the cutting off of the

1 dewclaw of a dog shall record the procedure. The record
2 shall include the name of the attending veterinarian and
3 the date and location at which the procedure was
4 performed. The record shall be kept as long as the wound
5 or incision site is unhealed and shall be transferred
6 with the dog during that period of time.

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

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

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

13 (3) owns, possesses, keeps, trains, promotes, purchases,
14 steals or acquires in any manner or knowingly sells any
15 animal for animal fighting;

16 (4) in any way knowingly encourages, aids or assists
17 therein;

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

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

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

23 This subsection shall not apply to activity undertaken in a
24 normal agricultural operation.

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

29 (i) Power to initiate criminal proceedings.--An agent of any
30 society or association for the prevention of cruelty to animals,

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

8 (j) Seizure of animals kept or used for animal fighting.--

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

1 for the prevention of cruelty to animals duly incorporated under
2 the laws of this Commonwealth and shall require that the owner
3 pay the cost of the keeping, care and destruction of the animal.

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

8 (l) Search warrants.--Where a violation of this section is
9 alleged, any issuing authority may, in compliance with the
10 applicable provisions of the Pennsylvania Rules of Criminal
11 Procedure, issue to any police officer or any agent of any
12 society or association for the prevention of cruelty to animals
13 duly incorporated under the laws of this Commonwealth a search
14 warrant authorizing the search of any building or any enclosure
15 in which any violation of this section is occurring or has
16 occurred, and authorizing the seizure of evidence of the
17 violation including, but not limited to, the animals which were
18 the subject of the violation. Where an animal thus seized is
19 found to be neglected or starving, the police officer or agent
20 is authorized to provide such care as is reasonably necessary,
21 and where any animal thus seized is found to be disabled,
22 injured or diseased beyond reasonable hope of recovery, the
23 police officer or agent is authorized to provide for the humane
24 destruction of the animal. The cost of the keeping, care and
25 destruction of the animal shall be paid by the owner thereof and
26 claims for the costs shall constitute a lien upon the animal. In
27 addition to any other penalty provided by law, the authority
28 imposing sentence upon a conviction for any violation of this
29 section may require that the owner pay the cost of the keeping,
30 care and destruction of the animal. No search warrant shall be

1 issued based upon an alleged violation of this section which
2 authorizes any police officer or agent or other person to enter
3 upon or search premises where scientific research work is being
4 conducted by, or under the supervision of, graduates of duly
5 accredited scientific schools or where biological products are
6 being produced for the care or prevention of disease.

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

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

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

28 (n) Skinning of and selling or buying pelts of dogs and
29 cats.--A person commits a summary offense if he skins a dog or
30 cat or offers for sale or exchange or offers to buy or exchange

1 the pelt or pelts of any dog or cat.

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

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

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

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

19 "Animal fighting." Fighting or baiting any bull, bear, dog,
20 cock or other creature.

21 "Animal fighting paraphernalia." Any device, implement,
22 object or drug used or intended to be used for animal fighting,
23 to train an animal for animal fighting or in furtherance of
24 animal fighting. In determining whether an object is animal
25 fighting paraphernalia, a court or other authority should
26 consider statements by an owner or by anyone in control of the
27 object concerning its use, any prior convictions under Federal
28 or State law relating to animal fighting, the proximity of the
29 object in time and space to the direct violation of this
30 section, direct or circumstantial evidence of the intent of the

1 accused to deliver the object to persons whom he or she knows or
2 should reasonably know intends to use the object to facilitate a
3 violation of this section, oral or written instructions provided
4 with or in the vicinity of the object concerning its use,
5 descriptive materials accompanying the object which explain or
6 depict its use and all other logically relevant factors.

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

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

14 "Conveyance." A truck, tractor, trailer or semitrailer, or
15 any combination of these, propelled or drawn by mechanical
16 power.

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

22 "Domestic animal." Any dog, cat, equine animal, bovine
23 animal, sheep, goat or porcine animal.

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

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

27 "Normal agricultural operation." Normal activities,
28 practices and procedures that farmers adopt, use or engage in
29 year after year in the production and preparation for market of
30 poultry, livestock and their products in the production and

1 harvesting of agricultural, agronomic, horticultural,
2 silvicultural and aquicultural crops and commodities.

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

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

14 Section 3. Section 5511.1 of Title 18 is amended by adding a
15 subsection to read:

16 § 5511.1. Live animals as prizes prohibited.

17 * * *

18 (a.1) Regulating certain actions concerning fowl or
19 rabbits.--No person shall sell, offer for sale, barter or give
20 away baby chickens, ducklings or other fowl under one month of
21 age or rabbits under two months of age as pets, toys, premiums
22 or novelties or color, dye, stain or otherwise change the
23 natural color of baby chickens, ducklings or other fowl or
24 rabbits or bring or transport the same into this Commonwealth.
25 This subsection shall not be construed to prohibit the sale or
26 display of baby chickens, ducklings or other fowl or rabbits in
27 proper facilities by persons engaged in the business of selling
28 them for purposes of commercial breeding and raising.

29 * * *

30 Section 4. Chapter 55 of Title 18 is amended by adding a

1 subchapter to read:

2 SUBCHAPTER B

3 CRUELTY TO ANIMALS

4 Sec.

5 5531. Definitions.

6 5532. Neglect of animal.

7 5533. Cruel treatment of animal.

8 5534. Aggravated cruelty to animals.

9 5535. Attack of guide dog.

10 5536. Selling or using disabled horse.

11 5537. Transporting animals in cruel manner.

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29 § 5531. Definitions.

30 The following words and phrases when used in this subchapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Animal." Every living creature, domestic or wild, but does
4 not include man.

5 "Animal fighting." Fighting or baiting any bull, bear, dog,
6 cock or other creature.

7 "Animal fighting paraphernalia." Any device, implement,
8 object or drug used or intended to be used for animal fighting,
9 to train an animal for animal fighting or in furtherance of
10 animal fighting. In determining whether an object is animal
11 fighting paraphernalia, a court or other authority should
12 consider the following:

13 (1) Statements by an owner or by anyone in control of
14 the object concerning its use.

15 (2) Any prior convictions under Federal or State law
16 relating to animal fighting.

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

19 (4) Direct or circumstantial evidence of the intent of
20 the accused to deliver the object to persons whom he or she
21 knows or should reasonably know intends to use the object to
22 facilitate a violation of this subchapter.

23 (5) Oral or written instructions provided with or in the
24 vicinity of the object concerning its use.

25 (6) Descriptive materials accompanying the object which
26 explain or depict its use.

27 (7) All other logically relevant factors.

28 "Audibly impaired." The inability to hear air conduction
29 thresholds at an average of 40 decibels or greater in the better
30 ear.

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

5 "Bodily injury." Impairment of physical condition or
6 substantial pain.

7 "Conveyance." A truck, tractor, trailer or semitrailer, or
8 any combination of these, propelled or drawn by mechanical
9 power.

10 "Deaf." Totally impaired hearing or hearing with or without
11 amplification which is so seriously impaired that the primary
12 means of receiving spoken language is through other sensory
13 input, including, but not limited to, lip reading, sign
14 language, finger spelling or reading.

15 "Domestic animal." Any dog, cat, equine animal, bovine
16 animal, sheep, goat or porcine animal.

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

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

20 "Normal agricultural operation." Normal activities,
21 practices and procedures that farmers adopt, use or engage in
22 year after year in the production and preparation for market of
23 poultry, livestock and their products in the production and
24 harvesting of agricultural, agronomic, horticultural,
25 silvicultural and aquicultural crops and commodities.

26 "Owner." A person who:

27 (1) has a right of property in an animal;

28 (2) keeps or harbors an animal;

29 (3) has an animal in his care; or

30 (4) acts as custodian of an animal.

1 "Person." An individual, including a minor, firm,
2 corporation, partnership, other business unit, society,
3 association or other legal entity, any public or private
4 institution, the Commonwealth or any municipal corporation or
5 political subdivision of the Commonwealth.

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

17 "Torture." Any of the following acts directed toward or
18 against an animal unless directed to be performed by a licensed
19 veterinarian:

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

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

23 (3) Causing or allowing, through prolonged deprivation
24 of food or sustenance, the loss of more than one-third of an
25 animal's normal body mass without veterinary care.

26 § 5532. Neglect of animal.

27 (a) Duties of owner.--An owner commits an offense if the
28 owner fails to provide any of the following for each animal of
29 the owner:

30 (1) A sufficient quantity of any commercially available

1 food prepared for the species or other good quality,
2 wholesome food and potable water.

3 (2) Adequate shelter and protection from the weather.
4 The shelter must be sufficient in size and material to permit
5 the animal to retain its body heat and keep the animal dry.

6 (3) Veterinary care when needed to prevent suffering.
7 (b) Penalty.--

8 (1) Except as set forth in paragraph (2), a person who
9 violates this section commits a summary offense.

10 (2) If the violation causes bodily injury to the animal:
11 (i) For a first offense, a person commits a
12 misdemeanor of the second degree.

13 (ii) For a second or subsequent offense, a person
14 commits a misdemeanor of the first degree.

15 § 5533. Cruel treatment of animal.

16 (a) Offense defined.--A person commits an offense if he
17 wantonly or cruelly illtreats, overloads, beats, abandons or
18 abuses an animal, and such treatment results in bodily harm to
19 the animal.

20 (b) Penalties.--A person convicted of violating this section
21 commits a misdemeanor of the second degree for a first offense.
22 A second or subsequent offense under this section is a
23 misdemeanor of the first degree.

24 § 5534. Aggravated cruelty to animals.

25 (a) Offense defined.--A person commits the crime of
26 aggravated cruelty to animals if the person intentionally does
27 any of the following:

28 (1) Tortures an animal.

29 (2) Violates section 5532 (relating to neglect of
30 animal) or 5533 (relating to cruel treatment of animal)

1 resulting in serious bodily injury to the animal or the death
2 of the animal.

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

5 § 5535. Attack of guide dog.

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

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

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

25 (d) Civil penalty and restitution.--

26 (1) A person who is the owner or co-owner of a dog that
27 kills, maims or disfigures a guide dog of an individual who
28 is blind, a hearing dog of an individual who is deaf or
29 audibly impaired or a service dog of an individual who is
30 physically limited shall be subject to paragraph (2) if both

1 of the following apply:

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

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

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

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

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

14 (iii) Loss of income for the time the individual is
15 unable to work due to the unavailability of the guide,
16 hearing or service dog.

17 § 5536. Selling or using disabled horse.

18 A person commits a summary offense if he offers for sale or
19 sells any horse, which by reason of debility, disease or
20 lameness, or for other cause, could not be worked or used
21 without violating the laws against cruelty to animals, or leads,
22 rides, drives or transports any such horse for any purpose,
23 except that of conveying the horse to the nearest available
24 appropriate facility for its humane keeping or destruction or
25 for medical or surgical treatment.

26 § 5537. Transporting animals in cruel manner.

27 (a) Offense defined.--A person commits a summary offense if
28 he carries, or causes or allows to be carried, in or upon any
29 cart or other vehicle whatsoever any animal in a cruel or
30 inhumane manner. The person taking him into custody may take

1 charge of the animal and of any such vehicle and its contents,
2 and deposit the same in some safe place of custody, and any
3 necessary expenses which may be incurred for taking charge of
4 and keeping the same, and sustaining any such animal, shall be a
5 lien thereon, to be paid before the same can lawfully be
6 recovered, or the expenses or any part thereof remaining unpaid
7 may be recovered by the person incurring the same from the owner
8 of the creature in any action therefor.

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

13 § 5538. Transporting equine animals in cruel manner.

14 Notwithstanding any other provision of law, a person commits
15 a summary offense for each equine animal if the person carries,
16 or causes or allows to be carried, any equine animal in or upon
17 any conveyance or other vehicle whatsoever with two or more
18 levels stacked on top of one another. A person who violates this
19 section on a second or subsequent occasion commits a misdemeanor
20 of the third degree for each equine animal transported.

21 § 5539. Hours of labor of animals.

22 (a) Offense defined.--A person commits a summary offense if
23 he leads, drives, rides or works or causes or permits any other
24 person to lead, drive, ride or work any horse, mare, mule, ox or
25 any other animal, whether belonging to himself or in his
26 possession or control, for more than 15 hours in any 24-hour
27 period or more than 90 hours in any one week.

28 (b) Construction.--Nothing in this section contained shall
29 be construed to warrant any persons leading, driving, riding or
30 walking any animal a period less than 15 hours, when doing so

1 shall in any way violate the laws against cruelty to animals.
2 § 5540. Cruelty to cow to enhance appearance of udder.

3 A person commits a summary offense if he kneads or beats or
4 pads the udder of any cow, or willfully allows it to go unmilked
5 for a period of 24 hours or more, for the purpose of enhancing
6 the appearance or size of the udder of the cow, or by a muzzle
7 or any other device prevents its calf, if less than six weeks
8 old, from obtaining nourishment, and thereby relieving the udder
9 of the cow, for a period of 24 hours.

10 § 5541. Animal mutilation and related offenses.

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

12 (1) A person commits a summary offense if the person
13 crops, trims or cuts off, or causes or procures to be
14 cropped, trimmed or cut off, the whole or part of the ear or
15 ears of a dog.

16 (2) The provisions of this subsection shall not prevent
17 a veterinarian from cropping, trimming or cutting off the
18 whole or part of the ear or ears of a dog when the dog is
19 anesthetized and shall not prevent any person from causing or
20 procuring the cropping, trimming or cutting off of a dog's
21 ear or ears by a veterinarian.

22 (3) The possession by any person of a dog with an ear or
23 ears cropped, trimmed or cut off and with the wound or
24 incision site resulting therefrom unhealed, or any such dog
25 being found in the charge or custody of any person or
26 confined upon the premises owned by or under the control of
27 any person, shall be prima facie evidence of a violation of
28 this subsection by the person except as provided for in this
29 subsection.

30 (4) A person who procures the cropping, trimming or

1 cutting off of the whole or part of an ear or ears of a dog
2 shall record the procedure. The record shall include the name
3 of the attending veterinarian and the date and location at
4 which the procedure was performed. The record shall be kept
5 as long as the wound or incision site is unhealed and shall
6 be transferred with the dog during that period of time.

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

8 (1) A person commits a summary offense if the person
9 debarks a dog by cutting, causing or procuring the cutting of
10 its vocal cords or by altering, causing or procuring the
11 alteration of any part of its resonance chamber.

12 (2) The provisions of this subsection shall not prevent
13 a veterinarian from cutting the vocal cords or otherwise
14 altering the resonance chamber of a dog when the dog is
15 anesthetized and shall not prevent a person from causing or
16 procuring a debarking procedure by a veterinarian.

17 (3) The possession by any person of a dog with the vocal
18 cords cut or the resonance chamber otherwise altered and with
19 the wound or incision site resulting therefrom unhealed, or
20 any such dog being found in the charge or custody of any
21 person or confined upon the premises owned by or under the
22 control of any person, shall be prima facie evidence of a
23 violation of this subsection by the person, except as
24 provided in this subsection.

25 (4) A person who procures the cutting of vocal cords or
26 the alteration of the resonance chamber of a dog shall record
27 the procedure. The record shall include the name of the
28 attending veterinarian and the date and location at which the
29 procedure was performed. The record shall be kept as long as
30 the wound or incision site is unhealed and shall be

1 transferred with the dog during that period of time.

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

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

6 (2) The provisions of this subsection shall not prevent
7 a veterinarian from docking, cutting off or cropping the
8 whole or part of the tail of a dog when the dog is at least
9 12 weeks of age and the procedure is performed using general
10 anesthesia and shall not prevent a person from causing or
11 procuring the cutting off or docking of a tail of a dog by a
12 veterinarian as provided in this subsection.

13 (3) The provisions of this section shall not prevent a
14 veterinarian from surgically removing, docking, cutting off
15 or cropping the tail of a dog between five days and 12 weeks
16 of age if, in the veterinarian's professional judgment, the
17 procedure is medically necessary for the health and welfare
18 of the dog. If the procedure is performed, it shall be done
19 in accordance with generally accepted standards of veterinary
20 practice.

21 (4) The possession by any person of a dog with a tail
22 cut off or docked and with the wound or incision site
23 resulting therefrom unhealed, or any such dog being found in
24 the charge or custody of any person or confined upon the
25 premises owned by or under the control of any person, shall
26 be prima facie evidence of a violation of this subsection by
27 the person, except as provided in this subsection.

28 (5) A person who procures the cutting off or docking of
29 a tail of a dog shall record the procedure. The record shall
30 include the name of the attending veterinarian and the date

1 and location at which the procedure was performed. The record
2 shall be kept as long as the wound or incision site is
3 unhealed and shall be transferred with the dog during that
4 period of time.

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

6 (1) A person commits a summary offense if the person
7 surgically births or causes or procures a surgical birth.

8 (2) The provisions of this subsection shall not prevent
9 a veterinarian from surgically birthing a dog when the dog is
10 anesthetized and shall not prevent any person from causing or
11 procuring a surgical birthing by a veterinarian.

12 (3) The possession by any person of a dog with a wound
13 or incision site resulting from a surgical birth unhealed, or
14 any such dog being found in the charge or custody of any
15 person or confined upon the premises owned by or under the
16 control of any person, shall be prima facie evidence of a
17 violation of this subsection by the person, except as
18 provided in this subsection.

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

25 (5) This subsection shall not apply to personnel
26 required to comply with standards to minimize pain to an
27 animal set forth in section 2143(a)(3) of the Animal Welfare
28 Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.), trained in
29 accordance with section 2143(d) of the Animal Welfare Act,
30 who work in a federally registered research facility required

1 to comply with the Animal Welfare Act under the guidance or
2 oversight of a veterinarian.

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

4 (1) A person commits a summary offense if the person
5 cuts off or causes or procures the cutting off of the dewclaw
6 of a dog over five days old.

7 (2) The provisions of this subsection shall not prevent
8 a veterinarian from cutting the dewclaw and shall not prevent
9 a person from causing or procuring the procedure by a
10 veterinarian.

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

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

25 (f) Additional penalty.--In addition to any other penalty
26 provided by law, upon conviction for violating this section, the
27 court may order the convicted person to undergo a psychological
28 or psychiatric evaluation and to undergo any treatment at the
29 convicted person's expense that the court determines to be
30 appropriate after due consideration of the evaluation.

1 § 5542. Animal fighting.

2 (a) Offense defined.--A person commits a felony of the third
3 degree if he:

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

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

8 (3) owns, possesses, keeps, trains, promotes, purchases,
9 steals or acquires in any manner or knowingly sells any
10 animal for animal fighting;

11 (4) in any way knowingly encourages, aids or assists
12 therein;

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

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

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

18 (b) Nonapplicability.--This section shall not apply to
19 activity undertaken in a normal agricultural operation.

20 § 5543. Possession of animal fighting paraphernalia.

21 In addition to any other penalty provided by law, a person
22 commits a misdemeanor of the third degree if he knowingly owns
23 or possesses animal fighting paraphernalia.

24 § 5544. Killing homing pigeons.

25 A person commits a summary offense if he shoots, maims or
26 kills any antwerp or homing pigeon, either while on flight or at
27 rest, or detains or entraps any such pigeon which carries the
28 name of its owner.

29 § 5545. Skinning of and selling or buying pelts of dogs and
30 cats.

1 A person commits a summary offense if he skins a dog or cat
2 or offers for sale or exchange or offers to buy or exchange the
3 pelt or pelts of any dog or cat.

4 § 5546. Fine and term of imprisonment for summary offense.

5 A person convicted of a summary offense under this subchapter
6 shall, upon conviction, be sentenced to pay a fine of not less
7 than \$100 or to imprisonment for not more than 90 days, or both.

8 § 5547. Power to initiate criminal proceedings.

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

18 § 5548. Seizure of animals kept or used for animal fighting.

19 Any police officer or agent of a society or association for
20 the prevention of cruelty to animals incorporated under the laws
21 of this Commonwealth shall have power to seize any animal kept,
22 used or intended to be used for animal fighting. When the
23 seizure is made, the animal or animals so seized shall not be
24 deemed absolutely forfeited but shall be held by the officer or
25 agent seizing the same until a conviction of some person is
26 first obtained for a violation of section 5542 (relating to
27 animal fighting) or forfeiture is obtained under the act of July
28 9, 2013 (P.L.263, No.50), known as the Costs of Care of Seized
29 Animals Act. The officer or agent making such seizure shall make
30 due return to the issuing authority of the number and kind of

1 animals or creatures so seized by him. Where an animal is thus
2 seized, the police officer or agent is authorized to provide
3 such care as is reasonably necessary and, where any animal thus
4 seized is found to be disabled, injured or diseased beyond
5 reasonable hope of recovery, the police officer or agent is
6 authorized to provide for the humane destruction of the animal.
7 In addition to any other penalty provided by law, the authority
8 imposing sentence upon a conviction for any violation of section
9 5542 shall order the forfeiture or surrender of any abused,
10 neglected or deprived animal of the defendant to any society or
11 association for the prevention of cruelty to animals duly
12 incorporated under the laws of this Commonwealth and shall
13 require that the owner pay the cost of the keeping, care and
14 destruction of the animal.

15 § 5549. Search warrants.

16 Where a violation of this subchapter is alleged, any issuing
17 authority may, in compliance with the applicable provisions of
18 the Pennsylvania Rules of Criminal Procedure, issue to any
19 police officer or any agent of any society or association for
20 the prevention of cruelty to animals duly incorporated under the
21 laws of this Commonwealth a search warrant authorizing the
22 search of any building or any enclosure in which any violation
23 of this subchapter is occurring or has occurred and authorizing
24 the seizure of evidence of the violation, including, but not
25 limited to, the animals which were the subject of the violation.

26 Where an animal thus seized is found to be neglected or
27 starving, the police officer or agent is authorized to provide
28 such care as is reasonably necessary and, where any animal thus
29 seized is found to be disabled, injured or diseased beyond
30 reasonable hope of recovery, the police officer or agent is

1 authorized to provide for the humane destruction of the animal.
2 The cost of the keeping, care and destruction of the animal
3 shall be paid by the owner thereof and claims for the costs
4 shall constitute a lien upon the animal. In addition to any
5 other penalty provided by law, the authority imposing sentence
6 upon a conviction for any violation of this subchapter may
7 require that the owner pay the cost of the keeping, care and
8 destruction of the animal. No search warrant shall be issued
9 based upon an alleged violation of this subchapter which
10 authorizes any police officer or agent or other person to enter
11 upon or search premises where scientific research work is being
12 conducted by or under the supervision of graduates of duly
13 accredited scientific schools or where biological products are
14 being produced for the care or prevention of disease.
15 § 5550. Forfeiture.

16 In addition to any other penalty provided by law, the
17 authority imposing sentence upon a conviction for any violation
18 of this subchapter may order the forfeiture or surrender of any
19 abused, neglected or deprived animal of the defendant to any
20 society or association for the prevention of cruelty to animals
21 duly incorporated under the laws of this Commonwealth.

22 § 5551. Prohibition of ownership.

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

1 law enforcement officer or Dog Law warden shall have authority
2 to ensure compliance with this section and may notify the local
3 district attorney who may petition the court to remove any
4 animals kept in violation of this section.

5 § 5552. Representation of humane society by attorney.

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

13 § 5553. Construction of subchapter.

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

16 § 5554. Nonapplicability of subchapter.

17 (a) Game law.--This subchapter shall not apply to, interfere
18 with or hinder any activity which is authorized or permitted
19 under 34 Pa.C.S. (relating to game).

20 (b) Exemptions.--The provisions of this subchapter that
21 relate to cruelty to animals, cruel treatment of animals and
22 aggravated cruelty to animals shall not apply to the following:

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

27 (2) The killing of any animal found pursuing, wounding
28 or killing any domestic animal or domestic fowl.

29 (3) The killing of any animal or fowl under 34 Pa.C.S.
30 §§ 2384 (relating to declaring dogs public nuisances) and

1 2385 (relating to destruction of dogs declared public
2 nuisances) or regulations promulgated under 34 Pa.C.S.

3 (4) Such reasonable activity as may be undertaken with
4 vermin control or pest control.

5 (5) Activity undertaken in normal agricultural
6 operation.

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

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

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

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

21 Section 5. This act shall take effect in 60 days.