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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 323 Session of  
2017

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INTRODUCED BY NEILSON, BURNS, MURT, SCHLOSSBERG, SAINATO,  
O'BRIEN, W. KELLER, DRISCOLL, V. BROWN, D. COSTA, McNEILL,  
MILLARD, SANTORA, DeLUCA AND DONATUCCI, FEBRUARY 3, 2017

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REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 3, 2017

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in offenses against public order and  
3 decency, further providing for the offense of cruelty to  
4 animals.

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

7 Section 1. Section 5511(c)(1) of Title 18 of the  
8 Pennsylvania Consolidated Statutes is amended and the section is  
9 amended by adding a subsection to read:

10 § 5511. Cruelty to animals.

11 \* \* \*

12 (c) Cruelty to animals.--

13 (1) A person commits an offense if he wantonly or  
14 cruelly illtreats, overloads, beats, otherwise abuses any  
15 animal, or neglects any animal as to which he has a duty of  
16 care, whether belonging to himself or otherwise, or abandons  
17 any animal, or deprives any animal of necessary sustenance,  
18 potable drink, shelter or veterinary care, or access to clean

1 and sanitary shelter which will protect the animal against  
2 inclement weather and preserve the animal's body heat and  
3 keep it dry.

4 \* \* \*

5 (c.1) Tethering of dogs.--

6 (1) Except as otherwise provided under paragraph (2), a  
7 person commits a summary offense if the person tethers a dog  
8 outside to any stationary object by use of a restraint and  
9 leaves the dog unattended between the hours of 10 p.m. and 6  
10 a.m. or fails to satisfy the following:

11 (i) The tether must be placed or attached so that  
12 the dog cannot become entangled with other objects and to  
13 allow the dog to roam the full range of the tether. The  
14 tether must be of a type commonly used for the size of  
15 dog involved. No tow chain may be used.

16 (ii) The tether must be attached to the dog by means  
17 of a well-fitted collar or body harness that will not  
18 cause trauma or injury to the dog. No choke, pinch, prong  
19 or other chain collar may be used.

20 (iii) The tether must be a minimum of six feet long  
21 or at least five times the length of the dog as measured  
22 from the tip of the dog's nose to the base of the dog's  
23 tail, whichever is longer, and must allow the dog  
24 convenient and unfettered access to shelter and food and  
25 water containers. The tether may not become wrapped  
26 around any appendage such that the tether restricts the  
27 dog's movement.

28 (iv) While tethered, the dog must be provided with  
29 protection from the direct rays of the sun and at least  
30 one area of shade, other than the shelter, must be

1 provided.

2 (v) A tethered dog must be free of open sores or  
3 wounds.

4 (vi) A dog may not be tethered outside during  
5 periods of temperature below 32 degrees Fahrenheit or  
6 above 90 degrees Fahrenheit or when a weather advisory or  
7 warning has been issued by the National Weather Service.

8 (2) The following activity shall not result in an  
9 offense under paragraph (1):

10 (i) Tethering a dog for a period not to exceed 15  
11 minutes, as long as the dog is not in danger or a  
12 nuisance or does not put the public in danger.

13 (ii) Tethering a dog while actively engaged in or  
14 actively training for an activity that is conducted  
15 pursuant to a valid license issued by the Commonwealth,  
16 if the activity for which the license is issued is  
17 associated with the use or presence of a dog.

18 (iii) Tethering a dog that is used in the course of  
19 commercial agricultural production or for the protection  
20 of commercial farm property, agricultural supplies or  
21 products.

22 (iv) Tethering a dog while actively participating in  
23 or attending an organized dog show, field trial, agility  
24 event, herding contest or other similar exposition or  
25 event, of a limited duration, that involves the judging  
26 or evaluation of dogs.

27 (v) Tethering a dog being raised, trained or  
28 utilized for sled racing, as long as the dog is regularly  
29 untethered for exercise and training.

30 (vi) Tethering a dog pursuant to the requirements of

1           a camping or recreational area.

2           (3) A person who commits an offense under this  
3           subsection may, upon conviction, and in addition to any other  
4           penalty authorized by law, be subject to forfeiture of the  
5           dog.

6           \* \* \*

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