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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 527 Session of  
2015

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INTRODUCED BY FARNESE, TEPLITZ, FONTANA, BREWSTER, BOSCOLA,  
WARD, HUGHES, COSTA AND RAFFERTY, FEBRUARY 20, 2015

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REFERRED TO JUDICIARY, FEBRUARY 20, 2015

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AN ACT

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

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

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

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

15 (a) Offense defined.--An individual who is subject to  
16 registration under 42 Pa.C.S. § 9778(a) (relating to animal  
17 abuse registry) commits an offense if he knowingly fails to:

18 (1) register or reregister with the county sheriff as  
19 required under 42 Pa.C.S. § 9778(a); or

20 (2) provide accurate information when registering under  
21 42 Pa.C.S. § 9778.

1 (b) Grading.--

2 (1) Except as set forth in paragraph (2), an individual  
3 subject to registration under 42 Pa.C.S. § 9778(a) who  
4 commits a violation of subsection (a)(1) or (2) or a similar  
5 offense commits a felony of the third degree.

6 (2) An individual subject to registration under 42  
7 Pa.C.S. § 9778(a) who commits a violation of subsection (a)  
8 (1) or (2) and who has previously been convicted of an  
9 offense under subsection (a)(1) or (2) or a similar offense  
10 commits a felony of the second degree.

11 § 7518. Illegal use of animal abuse registry information.

12 (a) Offense defined.--Any individual who uses information  
13 obtained from the local animal abuse registry or the central  
14 animal abuse registry established under 42 Pa.C.S. § 9778  
15 (relating to animal abuse registry) to commit an offense under  
16 this title commits an offense under this section.

17 (b) Grading.--

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

20 (2) An individual who commits a second or subsequent  
21 violation of subsection (a) commits a misdemeanor of the  
22 second degree.

23 Section 2. Title 42 is amended by adding a section to read:  
24 § 9778. Animal abuse registry.

25 (a) Registration required.--

26 (1) The following individuals shall be required to  
27 register with the county sheriff for the county in which the  
28 individual is located for 10 years following the conviction:

29 (i) Individuals convicted of any of the following  
30 offenses:

1           (A) 18 Pa.C.S. § 5511(a) (relating to cruelty to  
2           animals).

3           (B) a second or subsequent conviction under 18  
4           Pa.C.S. § 5511(c).

5           (C) 18 Pa.C.S. § 5511(h.1).

6           (D) 18 Pa.C.S. § 5511.2 (relating to police  
7           animals).

8           (E) 18 Pa.C.S. § 5511.3 (relating to assault  
9           with a biological agent on animal, fowl or honey  
10           bees).

11           (F) Any other felony violation of a law  
12           protecting animal welfare.

13           (ii) Individuals convicted of an attempt to commit  
14           any of the offenses listed in subparagraph (i).

15           (iii) Individuals currently residing in this  
16           Commonwealth who have been convicted of offenses similar  
17           to the crimes cited in subparagraphs (i) and (ii), under  
18           the laws of the United States or one of its territories  
19           or possessions, another state, the District of Columbia,  
20           the Commonwealth of Puerto Rico or a foreign nation.

21           (2) An individual with two or more convictions of any of  
22           the offenses set forth in this subsection shall be subject to  
23           lifetime registration.

24           (3) (i) An offender or repeat offender, following  
25           release from incarceration, upon parole from a  
26           correctional institution or upon commencement of  
27           intermediate punishment or probation that results from a  
28           conviction for an offense listed under paragraph (1)(i),  
29           and who is located within the boundaries of this  
30           Commonwealth for more than 10 consecutive days, shall

1 register with the county sheriff for the county in which  
2 the offender or repeat offender is located before the end  
3 of the 11th day.

4 (ii) An offender or repeat offender who is currently  
5 registered in the county of the offender's previous  
6 location within this Commonwealth shall reregister with  
7 the county sheriff for the county in which the offender  
8 or repeat offender is now located no later than 10 days  
9 after moving to the new location in this Commonwealth.

10 (4) (i) Following the initial registration under this  
11 section, an offender shall annually renew the  
12 registration with the county sheriff prior to December 31  
13 of each subsequent calendar year for a period of 10  
14 years.

15 (ii) Following the initial registration under this  
16 section, a repeat offender shall annually renew the  
17 registration with the county sheriff prior to December 31  
18 of each subsequent calendar year.

19 (b) Information required.--

20 (1) The offender or repeat offender shall provide the  
21 county sheriff with the following information:

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

24 (ii) Date of birth.

25 (iii) Social Security number.

26 (iv) Current address or location.

27 (v) Place of employment.

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

30 (vii) The county or counties in this Commonwealth

1 where the offender or repeat offender is registered under  
2 this section.

3 (2) The county sheriff shall obtain the following from  
4 the offender or repeat offender:

5 (i) A photograph of the offender or repeat offender  
6 and a complete set of the offender's or repeat offender's  
7 fingerprints.

8 (ii) A description of any tattoos, scars or other  
9 distinguishing features on the offender's or repeat  
10 offender's body that would assist in identifying the  
11 offender or repeat offender.

12 (3) For registration renewal, the offender or repeat  
13 offender shall provide updated information for the required  
14 information contained in paragraphs (1) and (2).

15 (c) Fees.--

16 (1) In addition to any fines, fees or penalties levied  
17 or imposed as provided by law, each offender and repeat  
18 offender shall pay an annual registration fee of \$50 when  
19 registering with the county sheriff.

20 (2) The county sheriff shall remit the fees collected  
21 under paragraph (1) to the State Treasurer for deposit into  
22 the fund.

23 (d) Central and local registries.--

24 (1) The county sheriff shall establish and maintain a  
25 local registry of offenders and repeat offenders in the  
26 sheriff's jurisdiction to be known as the local animal abuse  
27 registry. The county sheriff shall be responsible for the  
28 following:

29 (i) Forwarding all registration information to the  
30 Pennsylvania State Police.

1           (ii) Within 10 days of receipt of an initial  
2           registration from an offender or repeat offender for the  
3           offender's or repeat offender's current place of  
4           residence, contacting every residence, school, humane  
5           society, animal shelter and any other business within a  
6           half-mile radius of the offender's or repeat offender's  
7           residence or location and providing them with the  
8           registration information of the offender or repeat  
9           offender except for the Social Security number.

10          (2) The Pennsylvania State Police shall establish and  
11          maintain a central registry of offenders and repeat offenders  
12          required to register under this section to be known as the  
13          central animal abuse registry. Information contained in the  
14          central animal abuse registry of offenders and repeat  
15          offenders shall be made available to the public through the  
16          Internet, by telephone and written access and in person. All  
17          of the information contained in an offender's or repeat  
18          offender's registration, with the exception of the Social  
19          Security number or any other information protected by law,  
20          shall be made available to the public. Records of each  
21          registration shall be maintained for the 10-year period that  
22          an offender is required to be registered. Records of each  
23          registration shall be maintained during the period that a  
24          repeat offender is required to be registered.

25          (3) (i) It is hereby declared to be the finding of the  
26          General Assembly that the health and safety of animals  
27          that are at risk of abuse will be enhanced by making  
28          information about offenders and repeat offenders  
29          available to the public through the Internet, by  
30          telephone and written access and in person. Knowledge of

1 whether a certain person is an offender or repeat  
2 offender can be a significant factor in protecting pets  
3 and animals from recidivist acts by offenders and repeat  
4 offenders. The technology afforded by the Internet would  
5 make this information readily accessible to the public,  
6 enabling them to undertake appropriate remedial  
7 precautions. Public access to information about offenders  
8 and repeat offenders is intended solely as a means of  
9 protection for the pets and animals of the public that  
10 are at risk of abuse and shall not be construed as  
11 punitive.

12 (ii) An individual is authorized to use the  
13 information contained in the central animal abuse  
14 registry and the local animal abuse registry for  
15 protecting animals at risk of abuse.

16 (e) Sentencing court information.--The sentencing court  
17 shall inform offenders and repeat offenders at the time of  
18 sentencing of the provisions of this section. The court shall:

19 (1) Specifically inform the offender or repeat offender  
20 of the duty to register and provide the information required  
21 for registration.

22 (2) Specifically inform the offender or repeat offender  
23 of the duty to inform the county sheriff within 10 days if  
24 the offender or repeat offender does the following:

25 (i) changes residence or establishes an additional  
26 residence or residences;

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

1           (iii) changes institution or location at which the  
2           offender or repeat offender is enrolled as a student or  
3           terminates enrollment.

4           (3) Specifically inform the offender or repeat offender  
5           of the duty to register with a new law enforcement agency if  
6           the offender or repeat offender moves to another state no  
7           later than 10 days after establishing residence in another  
8           state and if the state requires such registration.

9           (4) Specifically inform the offender or repeat offender  
10           of the duty to register with the appropriate authorities in  
11           any state in which the offender or repeat offender is  
12           employed, carries on a vocation or is a student if the state  
13           requires such registration.

14           (5) Require the offender or repeat offender to read and  
15           sign a form stating that the duty to register under this  
16           section has been provided in writing and has been explained.  
17           Where the offender or repeat offender is incapable of  
18           reading, the court shall certify the duty to register was  
19           explained to the offender or repeat offender and the offender  
20           or repeat offender indicated an understanding of the duty.

21           (f) Animal Abuse Registry Fund.--

22           (1) The Animal Abuse Registry Fund is established in the  
23           State Treasury as a restricted account and shall be used  
24           exclusively for funding the administration of this section by  
25           county sheriffs and the Pennsylvania State Police.

26           (2) Up to 65% of the money in the fund shall be payable  
27           to a county to fund the county sheriff's establishment and  
28           administration of the local animal abuse registry pursuant to  
29           subsection (d) (1).

30           (3) Up to 35% of the money in the fund shall be payable



1 to the Pennsylvania State Police to fund its establishment  
2 and administration of the central animal abuse registry  
3 pursuant to subsection (d) (2).

4 (g) Immunity for good faith conduct.--The following entities  
5 shall be immune from liability for good faith conduct under this  
6 section:

7 (1) The Pennsylvania State Police and local law  
8 enforcement agencies and employees of law enforcement  
9 agencies.

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

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

13 (4) The Pennsylvania Department of Corrections and its  
14 agents and employees.

15 (5) County correctional facilities and their agents and  
16 employees.

17 (h) Photographs and fingerprinting.--An individual subject  
18 to subsection (a) (1) or (2) shall submit to photographing and  
19 fingerprinting as required by this section at locations  
20 designated by the county sheriff. Fingerprinting as required by  
21 this section shall, at a minimum, require submission of a full  
22 set of fingerprints. Photographing as required by this section  
23 shall, at a minimum, require submission to photographs of the  
24 face and any tattoos, scars or other distinguishing features on  
25 the offender's or repeat offender's body that would assist in  
26 identifying the individual. Fingerprints and photographs  
27 obtained under this section may be maintained for use under this  
28 section and for general law enforcement purposes.

29 (i) Civil liability for information misuse.--When an  
30 individual or a group of individuals is engaged in a pattern or

1 practice of misuse of information in violation of subsection (d)  
2 (3) that was obtained from the central animal abuse registry or  
3 local animal abuse registry, or both, any individual aggrieved  
4 by the misuse may, in any court of competent jurisdiction,  
5 obtain appropriate relief, including injunctive relief.

6 (j) Definitions.--As used in this section, the following  
7 words and phrases shall have the meanings given to them in this  
8 subsection unless the context clearly indicates otherwise:

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

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

17 "Fund." The Animal Abuse Registry Fund established under  
18 this section.

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

21 "Offender." An individual required to register under  
22 subsection (a) (1).

23 "Repeat offender." An individual required to register under  
24 subsection (a) (2).

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

28 Section 3. This act shall take effect in 60 days.