

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 798 Session of 2019

INTRODUCED BY KILLION, ARGALL, BLAKE, BREWSTER, DINNIMAN, SABATINA, SCHWANK, PITTMAN AND MASTRIANO, JULY 9, 2019

AS AMENDED ON SECOND CONSIDERATION, NOVEMBER 21, 2019

AN ACT

1 Amending the act of December 7, 1982 (P.L.784, No.225), entitled
2 "An act relating to dogs, regulating the keeping of dogs;
3 providing for the licensing of dogs and kennels; providing
4 for the protection of dogs and the detention and destruction
5 of dogs in certain cases; regulating the sale and
6 transportation of dogs; declaring dogs to be personal
7 property and the subject of theft; providing for the
8 abandonment of animals; providing for the assessment of
9 damages done to animals; providing for payment of damages by
10 the Commonwealth in certain cases and the liability of the
11 owner or keeper of dogs for such damages; imposing powers and
12 duties on certain State and local officers and employees;
13 providing penalties; and creating a Dog Law Restricted
14 Account," in short title and definitions, further providing
15 for definitions; and, in dangerous dogs, further providing <--
16 for court proceedings, certificate of registration and
17 disposition and for requirements; AND MAKING AN EDITORIAL <--
18 CHANGE.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Section 102 of the act of December 7, 1982
22 (P.L.784, No.225), known as the Dog Law, is amended by adding a
23 definition to read:

24 Section 102. Definitions.

25 The following words and phrases when used in this act shall
26 have, unless the context clearly indicates otherwise, the

1 meanings given to them in this section:

2 * * *

3 "Unprovoked." Action by a dog that includes biting,
4 attacking or forcibly coming into unwanted physical contact with
5 a person who or domestic animal that is acting peaceably and
6 lawfully.

7 * * *

8 Section 2. Section 502-A(a), (a.1) and (b) of the act are
9 amended and the section is amended by adding subsections to
10 read:

11 Section 502-A. Court proceedings, certificate of registration
12 and disposition.

13 [(a) Summary offense of harboring a dangerous dog.--Any
14 person who has been attacked by one or more dogs, or anyone on
15 behalf of the person, a person whose domestic animal, dog or cat
16 has been killed or injured without provocation, the State dog
17 warden or the local police officer may file a complaint before a
18 magisterial district judge, charging the owner or keeper of the
19 a dog with harboring a dangerous dog. The owner or keeper of the
20 dog shall be guilty of the summary offense of harboring a
21 dangerous dog if the magisterial district judge finds beyond a
22 reasonable doubt that the following elements of the offense have
23 been proven:

24 (1) The dog has done any of the following:

25 (i) Inflicted severe injury on a human being without
26 provocation on public or private property.

27 (ii) Killed or inflicted severe injury on a domestic
28 animal, dog or cat without provocation while off the
29 owner's property.

30 (iii) Attacked a human being without provocation.

1 (iv) Been used in the commission of a crime.

2 (2) The dog has either or both of the following:

3 (i) A history of attacking human beings and/or
4 domestic animals, dogs or cats without provocation.

5 (ii) A propensity to attack human beings and/or
6 domestic animals, dogs or cats without provocation. A
7 propensity to attack may be proven by a single incident
8 of the conduct described in paragraph (1) (i), (ii), (iii)
9 or (iv).

10 (3) The defendant is the owner or keeper of the dog.

11 (a.1) Effect of conviction.--A finding by a magisterial
12 district judge that a person is guilty under subsection (a) of
13 harboring a dangerous dog shall constitute a determination that
14 the dog is a dangerous dog for purposes of this act.]

15 (a.2) Summary offense of harboring a dangerous dog.--

16 (1) Any person who has been attacked by one or more
17 dogs, including the person's legal guardian or personal
18 representative, a person whose domestic animal, dog or cat
19 has been killed or injured by an unprovoked attack, the State
20 dog warden or the local police officer may file a complaint
21 before a magisterial district judge, charging the owner or
22 keeper of the dog with harboring a dangerous dog.

23 (2) The owner or keeper of the dog shall be guilty of
24 the summary offense of harboring a dangerous dog if the
25 magisterial district judge finds beyond a reasonable doubt
26 that the dog has done any of the following:

27 (i) Inflicted severe injury on a human being
28 unprovoked on public or private property.

29 (ii) Killed or inflicted severe injury on a domestic
30 animal, dog or cat unprovoked while off the owner's

1 property or has a propensity or history of attacks if the
2 dog kills or inflicts severe injury on a domestic animal
3 while on the owner's property unprovoked. A propensity to
4 kill or inflict severe injury may be proven by a single
5 incident.

6 (iii) Attacked a human being unprovoked and has a
7 history or propensity of attacking human beings or
8 domestic animals, dogs or cats unprovoked. A propensity
9 to attack may be proven by a single incident.

10 (3) For the purposes of this subsection, the term
11 "owner" or "keeper of the dog" shall not include a
12 veterinarian licensed by the Commonwealth or a veterinary
13 technician certified by the Commonwealth while acting in the
14 scope of the duties or employment of a veterinarian or
15 veterinary technician, respectively.

16 (a.3) Effect of conviction.--A finding by a magisterial
17 district judge that a person is guilty under subsection (a.2) of
18 harboring a dangerous dog shall constitute a determination that
19 the dog is a dangerous dog for purposes of this act.

20 (b) Report of conviction.--The magisterial district judge
21 shall make a report of a conviction under subsection [(a)] (a.2)
22 to the Bureau of Dog Law Enforcement, identifying the convicted
23 party, identifying and describing the dog or dogs and providing
24 other information as the bureau might reasonably require.

25 * * *

26 Section 3. ~~Section~~ SECTIONS 503-A(b) AND 507-A(F) (1) of the <--
27 act ~~is~~ ARE amended to read: <--

28 Section 503-A. Requirements.

29 * * *

30 (b) Registration fee.--The registration fee for a dangerous

1 dog certificate shall be [\$500] \$1,000 per calendar year for the
2 life of the dog plus an additional amount set by the department
3 as may be necessary to cover the costs of issuing this
4 registration and enforcing this section. This registration fee
5 shall be in addition to any other fees collectable under this
6 act and shall be credited to the Dog Law Restricted Account for
7 the purpose of administering and enforcing this act.

8 * * *

9 SECTION 507-A. CONSTRUCTION OF ARTICLE. <--

10 * * *

11 (F) PROCEDURE IN CERTAIN CITIES.--IN CITIES OF THE FIRST
12 CLASS, SECOND CLASS AND SECOND CLASS A, THE FOLLOWING PROCEDURE
13 SHALL APPLY:

14 (1) A PERSON WHO HAS BEEN ATTACKED BY A DOG, OR ANYONE
15 ON BEHALF OF SUCH PERSON, OR A PERSON WHOSE DOMESTIC ANIMAL,
16 DOG OR CAT HAS BEEN KILLED OR INJURED WITHOUT PROVOCATION
17 WHILE THE ATTACKING DOG WAS OFF THE OWNER'S PROPERTY OR A
18 POLICE OFFICER OR AN ANIMAL CONTROL OFFICER EMPLOYED BY OR
19 UNDER CONTRACT WITH THE CITY MAY MAKE A COMPLAINT BEFORE A
20 MAGISTERIAL DISTRICT JUDGE, CHARGING THE OWNER OR KEEPER OF
21 SUCH A DOG WITH HARBORING A DANGEROUS DOG. THE MAGISTERIAL
22 DISTRICT JUDGE SHALL MAKE A REPORT OF THE DETERMINATION UNDER
23 SECTION [502-A(A)] 502-A(A.2) TO THE POLICE OR AN ANIMAL
24 CONTROL OFFICER EMPLOYED BY OR UNDER CONTRACT WITH THE CITY
25 AND TO THE BUREAU OF DOG LAW ENFORCEMENT. THE BUREAU OF DOG
26 LAW ENFORCEMENT SHALL GIVE NOTICE OF THIS DETERMINATION TO
27 THE RESPECTIVE CITY TREASURER.

28 * * *

29 Section 4. This act shall take effect in 60 days.