

ANIMAL PROTECTION LAWS OF PENNSYLVANIA



Animal Protection Laws of Pennsylvania

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This chapter contains Pennsylvania’s general animal protection and related statutes with an effective date on or before September 1, 2020. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.

Pennsylvania may employ similar provisions within other non-animal-specific criminal and civil statutes; may have other more specific statutes in addition to those included; and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.

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1. <u>DEFINITION OF "ANIMAL"</u>	-----
2. <u>GENERAL CRUELTY *</u>	<p>Placing poison where it may be found and eaten by dogs 3 PA. STAT. ANN. § 459-601(b); (b.1) <i>Summary offense</i> <i>With intent, 1st offense: 2nd degree misdemeanor, 2 years imprisonment and/or 2 years imprisonment</i> <i>With intent, subsequent offenses: 3rd degree felony</i></p> <p>Abandoning a dog 3 PA. STAT. ANN. § 459-601(c) <i>\$1,000 fine, plus costs</i></p> <p>Definitions 18 PA. CONS. STAT. ANN. § 5531</p> <p>Neglect of animal 18 PA. CONS. STAT. ANN. § 5532 <i>Generally: summary offense</i> <i>If bodily injury or imminent risk of serious bodily injury: 3rd degree misdemeanor</i></p> <p>Cruelty to animal 18 PA. CONS. STAT. ANN. § 5533 <i>Generally: summary offense</i> <i>If bodily injury or imminent risk of serious bodily injury: 2nd degree misdemeanor</i></p> <p>Aggravated cruelty to animal 18 PA. CONS. STAT. ANN. § 5534 <i>3rd degree felony</i></p> <p>Tethering of unattended animal is rebuttable presumption of neglect. 18 PA. CONS. STAT. ANN. § 5536</p> <p>Selling or using disabled horse</p>

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	<p>18 PA. CONS. STAT. ANN. § 5537 <i>Summary offense</i></p> <p>Transporting animals in a cruel manner 18 PA. CONS. STAT. ANN. § 5538 <i>Summary offense</i></p> <p>Transporting equine animals in a cruel manner 18 PA. CONS. STAT. ANN. § 5539 <i>1st offense: summary offense</i> <i>Subsequent offenses: 3rd degree misdemeanor</i></p> <p>Overworking an animal 18 PA. CONS. STAT. ANN. § 5540 <i>Summary offense</i></p> <p>Cruelty to a cow to enhance appearance of udder 18 PA. CONS. STAT. ANN. § 5541 <i>Summary offense</i></p> <p>Prohibitions on certain procedures on dogs unless undertaken by a veterinarian. 18 PA. CONS. STAT. ANN. § 5542</p> <p>Killing homing pigeons 18 PA. CONS. STAT. ANN. § 5545 <i>Summary offense</i></p> <p>Live animals as prizes 18 PA. CONS. STAT. ANN. § 5547 <i>Summary offense, \$250 fine</i></p> <p>Assaulting an animal with biological agent 18 PA. CONS. STAT. ANN. § 5549 <i>2nd degree felony</i></p>
<p>3. <u>EXEMPTIONS</u></p>	<p>Other 18 PA. CONS. STAT. ANN. § 5536</p> <p>Accepted farm animal husbandry practices 18 PA. CONS. STAT. ANN. §§ 5538; 5560</p>

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	<p>Veterinary practice 18 PA. CONS. STAT. ANN. § 5542</p> <p>Veterinary practice 18 PA. CONS. STAT. ANN. § 5549</p> <p>Research animals 18 PA. CONS. STAT. ANN. § 5553, 5561</p> <p>Wildlife, pest control, other 18 PA. CONS. STAT. ANN. § 5561</p> <p>It is lawful for a person to practice veterinary medicine on animals they own. 63 PA. STAT. ANN. § 485.32(4)</p>
<p>4. <u>FIGHTING & RACKETEERING</u></p>	<p>Various animal fighting activities (including spectatorship) 18 PA. CONS. STAT. ANN. § 5543 <i>3rd degree felony</i></p> <p>Owing or possessing animal fighting paraphernalia 18 PA. CONS. STAT. ANN. § 5544 <i>3rd degree misdemeanor</i></p>
<p>5. <u>SEXUAL ASSAULT</u></p>	<p>Definitions 18 PA. CONS. STAT. ANN. § 3101.</p> <p>Any form of sexual intercourse with an animal 18 PA. CONS. STAT. ANN. § 3129 <i>2nd degree misdemeanor</i></p>
<p>6. <u>CRUELTY TO WORKING ANIMALS</u></p>	<p>Willfully and maliciously taunt, torment, tease, beat, kick or strike law enforcement dog. 3 PA. STAT. ANN. § 459-602(a) <i>3rd degree felony</i></p>

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	<p>Willfully or maliciously torture, mutilate, injure, disable, poison, or kill law enforcement dog. 3 PA. STAT. ANN. § 459-602(b) <i>2nd degree felony</i></p> <p>Definitions 18 PA. CONS. STAT. ANN. § 5531</p> <p>Attack of guide dog 18 PA. CONS. STAT. ANN. § 5535 <i>3rd degree misdemeanor</i></p> <p>Maliciously treating a police animal 18 PA. CONS. STAT. ANN. § 5548 <i>2nd degree felony</i></p>
<p><u>7. MAXIMUM PENALTIES & STATUTE OF LIMITATIONS**</u></p>	<p>Summary offense <i>90 days imprisonment and/or \$750 fine</i> 18 PA. CONS. STAT. ANN. § 5550</p> <p>3rd degree misdemeanor <i>1 year imprisonment and/or \$2,500 fine</i> 18 PA. CONS. STAT. ANN. §§ 1101, 1104</p> <p>2nd degree misdemeanor <i>2 years imprisonment and/or \$5,000 fine</i> 18 PA. CONS. STAT. ANN. §§ 1101, 1104</p> <p>3rd degree felony <i>7 years imprisonment and/or \$15,000 fine</i> 18 PA. CONS. STAT. ANN. §§ 1101, 1103</p> <p>2nd degree felony <i>10 years imprisonment and/or \$25,000 fine</i> 18 PA. CONS. STAT. ANN. §§ 1101, 1103</p> <p>Statute of limitations <i>Misdemeanor or felony: 2 years</i> 42 PA. CONS. STAT. ANN. § 5552(a)</p>

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8. <u>CROSS ENFORCEMENT & REPORTING</u>	<p>-----</p>
9. <u>VETERINARIAN REPORTING & IMMUNITY</u>	<p>Veterinarians who report suspected violations of animal cruelty are not liable for civil damages as a result of the reporting. 18 PA. CONS. STAT. ANN. § 5556</p>
10. <u>LAW ENFORCEMENT POLICIES</u>	<p>Humane agents have power and authority to initiate criminal proceedings, and to request enjoinder of any violation. 18 PA. CONS. STAT. ANN. § 5551 22 PA. CONS. STAT. ANN. § 3708</p> <p>Definition of humane society police officer 22 PA. CONS. STAT. ANN. § 3702</p> <p>Limitation on possession of firearms by humane agents. 22 PA. CONS. STAT. ANN. § 3711</p>
11. <u>SEIZURE</u>	<p>Animals being cruelly transported may be seized. 18 PA. CONS. STAT. ANN. § 5538(a)</p> <p>Police officers and humane agents shall have the power to seize animals kept, used, or intended to be used for fighting. 18 PA. CONS. STAT. ANN. § 5552</p> <p>Police officers and humane agents may be issued search warrants and are authorized to seize animals. 18 PA. CONS. STAT. ANN. § 5553</p> <p>The district attorney must approve search warrants for alleged cruelty to animals violations. 22 PA. CONS. STAT. ANN. § 3710</p>
12. <u>COURTROOM ANIMAL ADVOCATE PROGRAM</u>	<p>-----</p>
13. <u>PROTECTION ORDERS†</u>	<p>-----</p>

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<p>14. <u>RESTITUTION †</u></p>	<p>A petition may be filed for reasonable costs of care of animals seized relating to animal cruelty by a county or municipal official or by a humane society 18 PA. STAT. ANN. §§ 30.2; 30.3; 30.4; 30.5; 30.6; 30.7 NOTE: These statutes refer to the now-repealed animal cruelty law, 18 PA. CONS. STAT. ANN. § 5511. However, this Act may still be used for cost of care petition in conjunction with animals seized under the new animal cruelty laws, due to the rule of construction codified in 1 PA. CONS. STAT. ANN. § 1937.</p> <p>An owner whose dog kills, maims or disfigures a service dog shall repay veterinary costs in treating the dog and, if necessary, the cost of obtaining and training a replacement dog. 18 PA. CONS. STAT. ANN. § 5535(2)</p> <p>A lien exists for necessary expenses incurred for the care of animals impounded pursuant to the offense of transporting animals in a cruel manner; expenses may also be recovered from owner in a civil action. 18 PA. CONS. STAT. ANN. § 5538(a)</p> <p>Restitution shall be ordered for convictions when police animal is disabled or killed. 18 PA. CONS. STAT. ANN. § 5548(b),(c)</p> <p>Restitution shall be ordered for convictions of assaulting animal with biological agent. 18 PA. CONS. STAT. ANN. § 5549</p> <p>Court shall order defendnat to pay costs of care after conviction of animal fighting. 18 PA. CONS. STAT. ANN. § 5552</p> <p>Costs of care of seized animals constitutes a lien upon the animals; court may require owner to pay the costs of care as part of sentence. 18 PA. CONS. STAT. ANN. § 5553</p>
<p>15. <u>FORFEITURE & POSSESSION BANS †</u></p>	<p>If owner fails to post a security for costs of care if so required, the animal will be forfeited. 18 PA. STAT. ANN. § 30.6</p> <p>Court shall order forfeiture of abused and neglected animals after</p>

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	<p>conviction of animal fighting. 18 PA. CONS. STAT. ANN. § 5552</p> <p>The court may order the forfeiture of any abused, neglected, or deprived animal upon conviction. 18 PA. CONS. STAT. ANN. § 5554</p> <p>Upon conviction, court may order the prohibition or limitation of the defendant's ownership, possession, control or custody of animals or employment with the care of animals for a period of time not to exceed the statutory maximum term of imprisonment applicable to the offense for which sentence is being imposed. 18 PA. CONS. STAT. ANN. § 5555</p>
16. <u>COURT-ORDERED TREATMENT†</u>	<p>Court may order psychiatric or psychological evaluation/ treatment upon conviction for certain mutilations of dogs 18 PA. CONS. STAT. ANN. § 5542</p>
17. <u>HOT CARS</u>	<p>Law enforcement officers, animal control officers, humane society police officers or emergency responders may remove a dog or cat from an unattended motor vehicle under specified circumstances. 42 PA. CONS. STAT. ANN. § 8340.3</p>
18. <u>CIVIL NUISANCE ABATEMENT</u>	-----
19. <u>AG-GAG LAWS</u>	-----
20. <u>BREED SPECIFIC LEGISLATION</u>	<p>A local ordinance otherwise dealing with dogs may not prohibit or limit a specific breed of dog. 3 PA. STAT. ANN. § 459-507-A</p>

* States may have other more specific statutes in addition to the general animal protection statutes referenced in this table.

** Despite statutory maximums, states often employ sentencing guidelines that may significantly alter the allowable sentence.

† This table generally references only those provisions that are within each state's animal protection statutes. States may employ similar provisions within other non-animal-specific criminal and civil statutes, and may also have a variety of animal-related regulations in effect.

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1. DEFINITION OF “ANIMAL”

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2. GENERAL CRUELTY

3 PA. STAT. ANN. § 459-601. Theft; poison; abandonment of animals by owner.

- (a) **Dogs to be personal property.**--All dogs are hereby declared to be personal property and subjects of theft.
- (b) **Placement of poison illegal.**--*It shall be unlawful for a person to place any poison or harmful substance of any description in any place, on his own premises or elsewhere, where it may be easily found and eaten by dogs. Anyone convicted of violating this subsection commits a summary offense.*
- (b.1) **Intentional poisoning of dogs illegal.**--*It shall be unlawful for any person to place any poison or harmful substance of any description in any place, on his own premises or elsewhere with the intent that the poison or substance be eaten by dogs. Anyone convicted of violating this subsection commits a misdemeanor of the second degree and shall be sentenced to pay a fine of not less than \$1,000 nor more than \$2,000 or to imprisonment for not more than two years, or both. A subsequent conviction under this subsection shall constitute a felony of the third degree.*
- (c) **Abandonment of animals by owner.**--
- (1) *It shall be unlawful for any person to abandon or attempt to abandon any dog within the Commonwealth. Anyone convicted of abandoning or attempting to abandon any dog within the Commonwealth shall pay a fine of not less than \$300 and not more than \$1,000, plus costs.*
 - (2) Any animal placed in the custody of a licensed doctor of veterinary medicine for treatment, boarding or other care, or placed in the custody of a licensed boarding kennel for board or other care, which shall be abandoned by its owner or his representative for a period of more than ten days after written notice by personal service or registered mail, return receipt requested, is given to the owner or his representative at his last known address and return receipt is received by the doctor or the licensed boarding kennel, may be turned over to the custody of the nearest humane society or association for the prevention of cruelty to animals or dog pound in the area. After 48 hours of receipt, such custodian may humanely kill such animal or place it for adoption. During such 48-hour period, the animal may be released only to the owner or his representative. If the owner claims the animal, he shall be liable for room and board charges for the animal during the abandonment period.
 - (3) The giving of notice to the owner, or the representative of the owner, of such animal by the licensed doctor of veterinary medicine or licensed boarding kennel as provided in paragraph (2) and receipt of return receipt by the doctor or licensed boarding kennel, which shall be retained for 12 days, shall relieve the doctor of veterinary medicine, licensed boarding kennel and any custodian to whom such animal may be given of any further liability for disposal. It is further provided that such procedure by the licensed doctor of veterinary medicine or

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licensed boarding kennel shall not constitute grounds for disciplinary procedure under this act.

18 PA. CONS. STAT. ANN. § 5531. Definitions.

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

“Accelerant detection dog.” A dog that is trained for accelerant detection, commonly referred to as arson canines.

“Animal fighting.” Fighting or baiting a bull, bear, dog, cock or other creature.

“Animal fighting paraphernalia.” A device, implement, object or drug used or intended to be used for animal fighting, to train an animal for animal fighting or in furtherance of animal fighting. In determining whether an object is animal fighting paraphernalia, a court or other authority should consider the following:

- (1) Statements by an owner or by an individual in control of the object concerning its use.
- (2) A prior conviction under Federal or State law relating to animal fighting.
- (3) The proximity of the object in time and space to the direct violation of this subchapter.
- (4) Direct or circumstantial evidence of the intent of the accused to deliver the object to persons whom the accused knows or should reasonably know intends to use the object to facilitate a violation of this subchapter.
- (5) Oral or written instructions provided with or in the vicinity of the object concerning the object's use.
- (6) Descriptive materials accompanying the object which explain or depict the object's use.
- (7) All other logically relevant factors.

“Audibly impaired.” The inability to hear air conduction thresholds at an average of 40 decibels or greater in the better ear.

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

“Bodily injury.” Impairment of physical condition or substantial pain.

“Bomb detection dog.” A dog that is trained to locate a bomb or explosives by scent.

“Certified veterinary technician.” As defined in section 3(13) of the act of December 27, 1974

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(P.L. 995, No. 326),¹ known as the Veterinary Medicine Practice Act.

“Conveyance.” A truck, tractor, trailer or semitrailer, or a combination of these, propelled or drawn by mechanical power.

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

“Domestic animal.” *A dog, cat, equine animal, bovine animal, sheep, goat or porcine animal.*

“Domestic fowl.” An avis raised for food, hobby or sport.

“Equine animal.” A member of the Equidae family, which includes horses, asses, mules, ponies and zebras.

“Humane society police officer.” As defined in 22 Pa.C.S. § 3702 (relating to definitions).

“Licensed doctor of veterinary medicine.” As defined in section 3(8) of the Veterinary Medicine Practice Act.

“Narcotic detection dog.” A dog that is trained to locate narcotics by scent.

“Normal agricultural operation.” Normal activities, practices and procedures that farmers adopt, use or engage in year after year in the production and preparation for market of poultry, livestock and their products in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquicultural crops and commodities.

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

“Police animal.” An animal, including, but not limited to, dogs and horses, used by the Pennsylvania State Police, a police department created by a metropolitan transportation authority operating under 74 Pa.C.S. Ch. 17 (relating to metropolitan transportation authorities), a police department created under the act of April 6, 1956 (1955 P.L. 1414, No. 465),² known as the Second Class County Port Authority Act, the Capitol Police, the Department of Corrections, a county facility or office or by a municipal police department, fire department, search and rescue unit or agency or handler under the supervision of the department, search and rescue unit or agency in the performance of the functions or duties of the department, search and rescue unit or agency, whether the animal is on duty or not on duty. The term shall

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include, but not be limited to, an accelerant detection dog, bomb detection dog, narcotic detection dog, search and rescue dog and tracking animal.

“Search and rescue dog.” A dog that is trained to locate lost or missing persons, victims of natural or manmade disasters and human bodies.

“Serious bodily injury.” Bodily injury that creates a substantial risk of death or causes serious, permanent disfigurement or protracted loss or impairment of the function of a bodily member or organ.

“Service, guide or support dog.” A dog that is trained or is being trained to work or perform tasks for the benefit of an individual with a disability consistent with Federal and State law related to service animals.

“Torture.” Any of the following acts directed toward or against an animal unless directed to be performed by a licensed doctor of veterinary medicine acting within the normal scope of practice:

- (1) Breaking, severing or severely impairing limbs.
- (2) Inflicting severe and prolonged pain from burning, crushing or wounding.
- (3) Causing or allowing severe and prolonged pain through prolonged deprivation of food or sustenance without veterinary care.

“Tracking animal.” An animal that is trained to track or used to pursue a missing person, escaped inmate or fleeing felon.

“Veterinary assistant.” As defined in section 3(14) of the Veterinary Medicine Practice Act.

18 PA. CONS. STAT. ANN. § 5532. Neglect of animal.

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

- (1) Necessary sustenance and potable water.
- (2) Access to clean and sanitary shelter and protection from the weather. The shelter must be sufficient to permit the animal to retain body heat and keep the animal dry.
- (3) Necessary veterinary care.

(b) **Grading.**--

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

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

18 PA. CONS. STAT. ANN. § 5533. Cruelty to animal.

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

(b) Grading.--

- (1) *Except as set forth in paragraph (2), a violation of this section is a summary offense.*
- (2) *If the violation causes bodily injury to the animal or places the animal at imminent risk of serious bodily injury, a violation of this section is a misdemeanor of the second degree.*

18 PA. CONS. STAT. ANN. § 5534. Aggravated cruelty to animal.

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

- (1) *Tortures an animal.*
- (2) *Violates section 5532 (relating to neglect of animal) or 5533 (relating to cruelty to animal) causing serious bodily injury to the animal or the death of the animal.*

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

18 PA. CONS. STAT. ANN. § 5536. Tethering of unattended dog

(a) Presumptions.--

- (1) *Tethering an unattended dog out of doors for less than nine hours within a 24-hour period when all of the following conditions are present shall create a rebuttable presumption that a dog has not been the subject of neglect within the meaning of section 5532 (relating to neglect of animal):*
- (i) *The tether is of a type commonly used for the size and breed of dog and is at least three times the length of the dog as measured from the tip of its nose to the base of its tail or 10 feet, whichever is longer.*
- (ii) *The tether is secured to a well-fitted collar or harness by means of a swivel anchor, swivel latch or other mechanism designed to prevent the dog from becoming entangled.*
- (iii) *The tethered dog has access to potable water and an area of shade that permits the dog to escape the direct rays of the sun.*
- (iv) *The dog has not been tethered for longer than 30 minutes in temperatures above*

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90 or below 32 degrees Fahrenheit.

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

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

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

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

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

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

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

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

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

18 PA. CONS. STAT. ANN. § 5537. Selling or using disabled horse.

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

18 PA. CONS. STAT. ANN. § 5538. Transporting animals in cruel manner.

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

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

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18 PA. CONS. STAT. ANN. § 5539. Transporting equine animals in cruel manner.

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

18 PA. CONS. STAT. ANN. § 5540. Hours of labor of animals.

- (a) Offense defined.**--*A person commits a summary offense if the person leads, drives, rides or works or causes or permits another person to lead, drive, ride or work a horse, mule, ox or other animal, whether belonging to the person or in the person's possession or control, for more than 15 hours in a 24-hour period or more than 90 hours in one week.*
- (b) Construction.**--Nothing in this section shall be construed to warrant a person leading, driving, riding or walking an animal for a period less than 15 hours, when doing so shall in any way violate the laws against cruelty to animals.

18 PA. CONS. STAT. ANN. § 5541. Cruelty to cow to enhance appearance of udder.

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

18 PA. CONS. STAT. ANN. § 5542. Animal mutilation and related offenses.

- (a) Cropping of ear.**--The following apply:
- (1) *A person commits an offense under section 5533 (relating to cruelty to animal) if the person crops, trims or cuts off, or causes or procures to be cropped, trimmed or cut off, the whole or part of the ear or ears of a dog.*
 - (2) The provisions of this subchapter shall not prevent a licensed doctor of veterinary medicine from cropping, trimming or cutting off the whole or part of the ear or ears of a dog when the dog is anesthetized and shall not prevent a person from causing or procuring the cropping, trimming or cutting off of a dog's ear or ears by a licensed doctor of veterinary medicine.
 - (3) The possession by a person of a dog with an ear or ears cropped, trimmed or cut off and with the wound or incision site resulting therefrom unhealed, or any such

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dog being found in the charge or custody of any person or confined upon the premises owned by or under the control of any person, shall be prima facie evidence of a violation by the person, except as provided for in this subsection.

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

(b) Debarking.--The following apply:

- (1) *A person commits an offense under section 5533 if the person debarks a dog by cutting, causing or procuring the cutting of its vocal cords or by altering, causing or procuring the alteration of a part of its resonance chamber.*
- (2) The provisions of this subchapter shall not prevent a licensed doctor of veterinary medicine from cutting the vocal cords or otherwise altering the resonance chamber of a dog when the dog is anesthetized and shall not prevent a person from causing or procuring a debarking procedure by a licensed doctor of veterinary medicine.
- (3) The possession by a person of a dog with the vocal cords cut or the resonance chamber otherwise altered and with the wound or incision site resulting therefrom unhealed, or any such dog being found in the charge or custody of a person or confined upon the premises owned by or under the control of a person, shall be prima facie evidence of a violation by the person, except as provided in this subsection.
- (4) A person who procures the cutting of vocal cords or the alteration of the resonance chamber of a dog shall record the procedure. The record shall include the name of the attending licensed doctor of veterinary medicine and the date and location at which the procedure was performed. The record shall be kept as long as the wound or incision site is unhealed and shall be transferred with the dog during that period of time.

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

- (1) *A person commits an offense under section 5533 if the person docks, cuts off, causes or procures the docking or cutting off of the tail of a dog over five days old.*
- (2) The provisions of this subchapter shall not prevent a licensed doctor of veterinary medicine from docking, cutting off or cropping the whole or part of the tail of a dog when the dog is at least 12 weeks of age and the procedure is performed using general anesthesia and shall not prevent a person from causing or procuring the cutting off or docking of a tail of a dog by a licensed doctor of veterinary medicine as provided in this subsection.
- (3) The provisions of this subchapter shall not prevent a licensed doctor of veterinary medicine from surgically removing, docking, cutting off or cropping the tail of a dog between five days and 12 weeks of age if, in the licensed doctor

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of veterinary medicine's professional judgment, the procedure is medically necessary for the health and welfare of the dog. If the procedure is performed, it shall be done in accordance with generally accepted standards of veterinary practice.

- (4) The possession by a person of a dog with a tail cut off or docked and with the wound or incision site resulting therefrom unhealed, or any such dog being found in the charge or custody of any person or confined upon the premises owned by or under the control of any person, shall be prima facie evidence of a violation by the person, except as provided in this subsection.
- (5) A person who procures the cutting off or docking of a tail of a dog shall record the procedure. The record shall include the name of the attending licensed doctor of veterinary medicine and the date and location at which the procedure was performed. The record shall be kept as long as the wound or incision site is unhealed and shall be transferred with the dog during that period of time.

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

- (1) *A person commits an offense under section 5533 if the person surgically births or causes or procures a surgical birth.*
- (2) The provisions of this subchapter shall not prevent a licensed doctor of veterinary medicine from surgically birthing a dog when the dog is anesthetized and shall not prevent a person from causing or procuring a surgical birthing by a licensed doctor of veterinary medicine.
- (3) The possession by a person of a dog with a wound or incision site resulting from a surgical birth unhealed, or any such dog being found in the charge or custody of a person or confined upon the premises owned by or under the control of any person, shall be prima facie evidence of a violation by the person, except as provided in this subsection.
- (4) A person who procures the surgical birth of a dog shall record the procedure. The record shall include the name of the attending licensed doctor of veterinary medicine and the date and location at which the procedure was performed. The record shall be kept as long as the wound or incision site is unhealed and shall be transferred with the dog during that period of time.
- (5) This subsection shall not apply to personnel required to comply with standards to minimize pain to an animal set forth in section 2143(a)(3) of the Animal Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.), trained in accordance with section 2143(d) of the Animal Welfare Act, who work in a federally registered research facility required to comply with the Animal Welfare Act under the guidance or oversight of a licensed doctor of veterinary medicine.

(e) Dewclawing.--The following apply:

- (1) *A person commits an offense under section 5533 if the person cuts off or causes or procures the cutting off of the dewclaw of a dog over five days old.*
- (2) The provisions of this subchapter shall not prevent a licensed doctor of veterinary medicine from cutting the dewclaw and shall not prevent a person from causing or procuring the procedure by a licensed doctor of veterinary

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medicine.

- (3) The possession by a person of a dog with the dewclaw cut off and with the wound or incision site resulting therefrom unhealed, or any such dog being found in the charge or custody of a person or confined upon the premises owned by or under the control of a person, shall be prima facie evidence of a violation by the person, except as provided in this subsection.
- (4) A person who procures the cutting off of the dewclaw of a dog shall record the procedure. The record shall include the name of the attending licensed doctor of veterinary medicine and the date and location at which the procedure was performed. The record shall be kept as long as the wound or incision site is unhealed and shall be transferred with the dog during that period of time.
- (f) Additional penalty.**--In addition to any other penalty provided by law, upon conviction for conduct described in this section, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evaluation.

18 PA. CONS. STAT. ANN, § 5545. Killing homing pigeons.

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

18 PA. CONS. STAT. ANN, § 5547. Live animals as prizes prohibited.

- (a) General rule.**--*No person shall give or offer to give away a live animal, except fish, as a prize in a drawing, lottery, contest, sweepstakes or other game. No person operating a drawing, lottery, contest, sweepstakes or other game shall sell or offer to sell a live animal, except fish, in conjunction with the operation of a drawing, lottery, contest, sweepstakes or other game.*
- (b) Regulating certain actions concerning fowl or rabbits.**--*No person shall sell, offer for sale, barter or give away baby chickens, ducklings or other fowl under one month of age or rabbits under two months of age as pets, toys, premiums or novelties or color, dye, stain or otherwise change the natural color of baby chickens, ducklings or other fowl or rabbits. This subsection shall not be construed to prohibit the sale or display of baby chickens, ducklings or other fowl or rabbits in proper facilities by persons engaged in the business of selling them for purposes of commercial breeding and raising.*
- (c) Exception.**--
 - (1) This section shall not apply to a domestic animal given away or sold in connection with an agricultural, educational or vocational program sponsored or sanctioned by the

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Department of Agriculture.

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

(d) Penalty.--*A violation of this section constitutes a summary offense punishable by a fine of not more than \$250.*

18 PA. CONS. STAT. ANN. § 5549. Assault with a biological agent on animal, fowl or honey bees.

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

- (1) *Foot-and-mouth disease.*
- (2) *Bovine spongiform encephalopathy (BSE), commonly known as mad cow disease.*
- (3) *Avian influenza.*
- (4) *Varroa mite.*

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

- (1) Value of afflicted animal, fowl or honey bees.
- (2) Disposal of afflicted animal, fowl or honey bees.
- (3) Testing for disease on existing animal.
- (4) Cleanup and sanitization of property and buildings on and in which afflicted animals, fowl or honey bees were located.
- (5) Liability insurance for cleanup and sanitization workers.
- (6) Soil testing of property.
- (7) Loss of revenue for the aggrieved owner of afflicted animal, fowl or honey bees.

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

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3. EXEMPTIONS

18 PA. CONS. STAT. ANN. § 5536. Tethering of unattended dog

(a) **Presumptions.--**

- (1) Tethering an unattended dog out of doors for less than nine hours within a 24-hour period when all of the following conditions are present shall create a rebuttable presumption that a dog has not been the subject of neglect within the meaning of section 5532 (relating to neglect of animal):
 - (i) The tether is of a type commonly used for the size and breed of dog and is at least three times the length of the dog as measured from the tip of its nose to the base of its tail or 10 feet, whichever is longer.
 - (ii) The tether is secured to a well-fitted collar or harness by means of a swivel anchor, swivel latch or other mechanism designed to prevent the dog from becoming entangled.
 - (iii) The tethered dog has access to potable water and an area of shade that permits the dog to escape the direct rays of the sun.
 - (iv) The dog has not been tethered for longer than 30 minutes in temperatures above 90 or below 32 degrees Fahrenheit.
- (2) The presence of any of the following conditions regarding tethering an unattended dog out of doors shall create a rebuttable presumption that a dog has been the subject of neglect within the meaning of section 5532:
 - (i) Excessive waste or excrement in the area where the dog is tethered.
 - (ii) Open sores or wounds on the dog's body.
 - (iii) The use of a tow or log chain, or a choke, pinch, prong or chain collar.

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

- (1) *Tethering a dog while actively engaged in lawful hunting, exhibition, performance events or field training.*
- (2) *Tethering a hunting, sporting or sledding dog breed where tethering is integral to the training, conditioning or purpose of the dog.*
- (3) *Tethering a dog in compliance with the requirements of a camping or recreational area.*
- (4) *Tethering a dog for a period of time, not to exceed one hour, reasonably necessary for the dog or person to complete a temporary task.*

18 PA. CONS. STAT. ANN. § 5538. Transporting animals in cruel manner.

- (a) **Offense defined.--**A person commits a summary offense if the person carries, or causes or allows to be carried, in or upon any cart or other vehicle whatsoever an animal in a cruel or inhumane manner. The person taking the offender into custody may take charge of the animal and of the vehicle and the vehicle's contents, and deposit the same in a safe place of custody, and the necessary expenses that may be incurred for taking

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charge of and keeping the same, and sustaining the animal, shall be a lien thereon, to be paid before the same can lawfully be recovered, or the expenses or any part thereof remaining unpaid may be recovered by the person incurring the same from the owner of the animal in an action therefor.

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

18 PA. CONS. STAT. ANN. § 5542. Animal mutilation and related offenses.

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

- (1) A person commits an offense under section 5533 (relating to cruelty to animal) if the person crops, trims or cuts off, or causes or procures to be cropped, trimmed or cut off, the whole or part of the ear or ears of a dog.
- (2) *The provisions of this subchapter shall not prevent a licensed doctor of veterinary medicine from cropping, trimming or cutting off the whole or part of the ear or ears of a dog when the dog is anesthetized and shall not prevent a person from causing or procuring the cropping, trimming or cutting off of a dog's ear or ears by a licensed doctor of veterinary medicine.*
- (3) The possession by a person of a dog with an ear or ears cropped, trimmed or cut off and with the wound or incision site resulting therefrom unhealed, or any such dog being found in the charge or custody of any person or confined upon the premises owned by or under the control of any person, shall be prima facie evidence of a violation by the person, except as provided for in this subsection.
- (4) A person who procures the cropping, trimming or cutting off of the whole or part of an ear or ears of a dog shall record the procedure. The record shall include the name of the attending licensed doctor of veterinary medicine and the date and location at which the procedure was performed. The record shall be kept as long as the wound or incision site is unhealed and shall be transferred with the dog during that period of time.

(b) Debarking.--The following apply:

- (1) A person commits an offense under section 5533 if the person debarks a dog by cutting, causing or procuring the cutting of its vocal cords or by altering, causing or procuring the alteration of a part of its resonance chamber.
- (2) *The provisions of this subchapter shall not prevent a licensed doctor of veterinary medicine from cutting the vocal cords or otherwise altering the resonance chamber of a dog when the dog is anesthetized and shall not prevent a person from causing or procuring a debarking procedure by a licensed doctor of veterinary medicine.*
- (3) The possession by a person of a dog with the vocal cords cut or the resonance chamber otherwise altered and with the wound or incision site resulting therefrom unhealed, or any such dog being found in the charge or custody of a

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

- (4) A person who procures the cutting of vocal cords or the alteration of the resonance chamber of a dog shall record the procedure. The record shall include the name of the attending licensed doctor of veterinary medicine and the date and location at which the procedure was performed. The record shall be kept as long as the wound or incision site is unhealed and shall be transferred with the dog during that period of time.

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

- (1) A person commits an offense under section 5533 if the person docks, cuts off, causes or procures the docking or cutting off of the tail of a dog over five days old.
- (2) *The provisions of this subchapter shall not prevent a licensed doctor of veterinary medicine from docking, cutting off or cropping the whole or part of the tail of a dog when the dog is at least 12 weeks of age and the procedure is performed using general anesthesia and shall not prevent a person from causing or procuring the cutting off or docking of a tail of a dog by a licensed doctor of veterinary medicine as provided in this subsection.*
- (3) The provisions of this subchapter shall not prevent a licensed doctor of veterinary medicine from surgically removing, docking, cutting off or cropping the tail of a dog between five days and 12 weeks of age if, in the licensed doctor of veterinary medicine's professional judgment, the procedure is medically necessary for the health and welfare of the dog. If the procedure is performed, it shall be done in accordance with generally accepted standards of veterinary practice.
- (4) The possession by a person of a dog with a tail cut off or docked and with the wound or incision site resulting therefrom unhealed, or any such dog being found in the charge or custody of any person or confined upon the premises owned by or under the control of any person, shall be prima facie evidence of a violation by the person, except as provided in this subsection.
- (5) A person who procures the cutting off or docking of a tail of a dog shall record the procedure. The record shall include the name of the attending licensed doctor of veterinary medicine and the date and location at which the procedure was performed. The record shall be kept as long as the wound or incision site is unhealed and shall be transferred with the dog during that period of time.

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

- (1) A person commits an offense under section 5533 if the person surgically births or causes or procures a surgical birth.
- (2) *The provisions of this subchapter shall not prevent a licensed doctor of veterinary medicine from surgically birthing a dog when the dog is anesthetized and shall not prevent a person from causing or procuring a surgical birthing by a licensed doctor of veterinary medicine.*

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- (3) The possession by a person of a dog with a wound or incision site resulting from a surgical birth unhealed, or any such dog being found in the charge or custody of a person or confined upon the premises owned by or under the control of any person, shall be prima facie evidence of a violation by the person, except as provided in this subsection.
 - (4) A person who procures the surgical birth of a dog shall record the procedure. The record shall include the name of the attending licensed doctor of veterinary medicine and the date and location at which the procedure was performed. The record shall be kept as long as the wound or incision site is unhealed and shall be transferred with the dog during that period of time.
 - (5) This subsection shall not apply to personnel required to comply with standards to minimize pain to an animal set forth in section 2143(a)(3) of the Animal Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.), trained in accordance with section 2143(d) of the Animal Welfare Act, who work in a federally registered research facility required to comply with the Animal Welfare Act under the guidance or oversight of a licensed doctor of veterinary medicine.
- (e) Dewclawing.**--The following apply:
- (1) A person commits an offense under section 5533 if the person cuts off or causes or procures the cutting off of the dewclaw of a dog over five days old.
 - (2) *The provisions of this subchapter shall not prevent a licensed doctor of veterinary medicine from cutting the dewclaw and shall not prevent a person from causing or procuring the procedure by a licensed doctor of veterinary medicine.*
 - (3) The possession by a person of a dog with the dewclaw cut off and with the wound or incision site resulting therefrom unhealed, or any such dog being found in the charge or custody of a person or confined upon the premises owned by or under the control of a person, shall be prima facie evidence of a violation by the person, except as provided in this subsection.
 - (4) A person who procures the cutting off of the dewclaw of a dog shall record the procedure. The record shall include the name of the attending licensed doctor of veterinary medicine and the date and location at which the procedure was performed. The record shall be kept as long as the wound or incision site is unhealed and shall be transferred with the dog during that period of time.
- (f) Additional penalty.**--In addition to any other penalty provided by law, upon conviction for conduct described in this section, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evaluation.

18 PA. CONS. STAT. ANN. § 5549. Assault with a biological agent on animal, fowl or honey bees.

- (a) Offense defined.**--A person commits a felony of the second degree if the person intentionally, knowingly or maliciously exposes or causes to be exposed an animal, fowl

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or honey bees to a virus, bacteria, prion or other agent which causes infectious disease, including any of the following:

- (1) Foot-and-mouth disease.
- (2) Bovine spongiform encephalopathy (BSE), commonly known as mad cow disease.
- (3) Avian influenza.
- (4) Varroa mite.

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

- (1) Value of afflicted animal, fowl or honey bees.
- (2) Disposal of afflicted animal, fowl or honey bees.
- (3) Testing for disease on existing animal.
- (4) Cleanup and sanitization of property and buildings on and in which afflicted animals, fowl or honey bees were located.
- (5) Liability insurance for cleanup and sanitization workers.
- (6) Soil testing of property.
- (7) Loss of revenue for the aggrieved owner of afflicted animal, fowl or honey bees.

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

18 PA. CONS. STAT. ANN. § 5553. Search Warrants.

Where a violation of this subchapter is alleged, an issuing authority may, in compliance with the applicable provisions of the Pennsylvania Rules of Criminal Procedure, issue to a police officer or an agent of a society or association for the prevention of cruelty to animals duly incorporated under the laws of this Commonwealth a search warrant authorizing the search of a building or an enclosure in which a violation of this subchapter is occurring or has occurred and authorizing the seizure of evidence of the violation, including, but not limited to, the animals which were the subject of the violation. Where an animal seized is found to be neglected or starving, the police officer or agent is authorized to provide the care that is reasonably necessary and, where any animal seized is found to be disabled, injured or diseased beyond reasonable hope of recovery, the police officer or agent is authorized to provide for the humane destruction of the animal. The cost of the keeping, care and destruction of the animal shall be paid by the owner of the animal, and claims for the costs shall constitute a lien upon the animal. In addition to any other penalty provided by law, the authority imposing sentence upon a conviction for a violation of this subchapter may require that the owner pay the cost of the keeping, care and destruction of the animal. *No search warrant shall be issued based upon an alleged violation of this subchapter which authorizes a police officer or agent or other person to enter upon or search premises where scientific research work is being conducted by or under the supervision of graduates of duly accredited scientific schools or where biological products*

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are being produced for the care or prevention of disease.

18 PA. CONS. STAT. ANN. § 5560. Exemption of normal agricultural operations.

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

18 PA. CONS. STAT. ANN. § 5561. Nonapplicability of subchapter.

- (a) *Game law.--This subchapter shall not apply to, interfere with or hinder any activity which is authorized or permitted under 34 Pa.C.S. (relating to game) or the regulations promulgated under those laws.*
- (b) *Exemptions.--The provisions of this subchapter shall not apply to the following:*
- (1) *The killing of a dog or cat by the owner of that animal if it is accomplished in accordance with the act of December 22, 1983 (P.L. 303, No. 83),¹ known as the Animal Destruction Method Authorization Law.*
 - (2) *The killing of an animal found pursuing, wounding or killing a domestic animal or domestic fowl.*
 - (3) *The killing of an animal or fowl under 34 Pa.C.S. §§ 2384 (relating to declaring dogs public nuisances) and 2385 (relating to destruction of dogs declared public nuisances) or regulations promulgated under 34 Pa.C.S. §§ 2384 and 2385.*
 - (4) *Reasonable activity that may be undertaken with vermin control or pest control.*
 - (5) *Shooting activities not otherwise prohibited under this subchapter.*
 - (6) *Conduct that is lawful under the laws of the United States or this Commonwealth relating to activities undertaken by a research facility that is one of the following:*
 - (i) *Registered and inspected under the Animal Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.).*
 - (ii) *Subject to the Public Health Service Policy on Humane Care and Use of Laboratory Animals provided for under the Public Health Service Act (58 Stat. 682, 42 U.S.C. § 201 et seq.).*
 - (iii) *Subject to the provisions of 21 CFR Pt. 58 (relating to good laboratory practice for nonclinical laboratory studies) under the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.) or the Public Health Service Act.*

63 PA. CONS. STAT. ANN. § 485.32. Exemptions and exceptions.

This act shall not apply to:

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- (1) Students in schools or colleges of veterinary medicine and programs of veterinary technology approved by the board pursuant to section 8¹ in the performance of duties or actions assigned by their instructors or when working under the immediate supervision of a licensee.
- (2) Licensed veterinarians in good standing with their respective states who are called from their states, provinces of Canada or United States territories to consult with licensees of this State but who: (i) do not open an office or appoint a place to do business within this State; (ii) do not print or use letterhead or business cards reflecting addresses in this State; (iii) do not establish answering services or advertise the existence of a practice's address within this State; (iv) do not practice veterinary medicine as consultants rendering services directly to the public without the direction and consultation of licensees of this State more than 16 days per calendar year; or (v) are providing services for organizations conducting public events lasting less than ten days that utilize animals in need of veterinary examinations, treatments or oversight to promote the safety and health of the public, the event or the animal participants.
- (3) Any doctor of veterinary medicine in the employ of the United States Government while actually engaged in the performance of his or her official duties: Provided, however, That this exemption shall not apply to such person when he or she is not engaged in carrying out his or her official duties or is not working at the installations for which his or her services were engaged.
- (4) *Any person or his or her regular employe or agent while practicing veterinary medicine on his or her own animals. This exemption shall not apply in the case of a temporary transfer of ownership of an animal to a person not licensed in accordance with this act if the purpose of the transfer is the rendering of veterinary treatment or care by such unlicensed person.*
- (5) Accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches or persons under the direct supervision thereof, which or who conduct experiments, and scientific research on animals in the development of pharmaceuticals, biologicals, serums, or methods of treatment or techniques for the diagnosis or treatment of human ailments or graduate doctors of veterinary medicine when engaged in the study and development of methods and techniques directly or indirectly applicable to the problems and practice of veterinary medicine or when engaged in the practice of veterinary medicine in a facility or program operated by a board-approved school of veterinary medicine or veterinary technology.
- (6) Any nurse, laboratory technician or other employe of a licensed doctor of veterinary medicine when administering medication or rendering auxiliary or supporting assistance under the responsible supervision of such licensed practitioner, provided that this exemption shall not apply to the performance of duties by any employe other than a nurse or laboratory technician if those duties require an understanding of animal science and provided further that this

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exemption shall not apply to any graduate of a board-approved school or college of veterinary medicine or to any graduate of a board-approved program of animal health technology.

- (7) Any person performing normal husbandry practices on bovine, porcine, caprine, ovine or equine animals or avian.
- (8) Any person performing grooming services on canine or feline animals.
- (9) The care and rehabilitation of wildlife species by wildlife rehabilitators.
- (10) The preparation, mixing, alteration or providing of animal feed, including the addition of any substance to animal feed for purposes of improving the nutritional quality of the feed, maintaining or improving the health or productivity of the animal or preventing animal disease.
- (11) Farriers or persons actively engaged in the art or profession of horseshoeing.

ANIMAL PROTECTION LAWS OF PENNSYLVANIA**4. FIGHTING AND RACKETEERING****18 PA. CONS. STAT. ANN. § 5543. Animal fighting.**

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

- (1) for amusement or gain, causes, allows or permits an animal to engage in animal fighting;*
- (2) receives compensation for the admission of another person to a place kept or used for animal fighting;*
- (3) owns, possesses, keeps, trains, promotes, purchases, steals or acquires in any manner or knowingly sells an animal for animal fighting;*
- (4) in any way knowingly encourages, aids or assists therein;*
- (5) wagers on the outcome of an animal fight;*
- (6) pays for admission to an animal fight or attends an animal fight as a spectator; or*
- (7) knowingly permits a place under the person's control or possession to be kept or used for animal fighting.*

18 PA. CONS. STAT. ANN. § 5544. Possession of animal fighting paraphernalia.

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

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5. SEXUAL ASSAULT

18 PA. CONS. STAT. ANN. § 3101. Definitions.

Subject to additional definitions contained in subsequent provisions of this chapter which are applicable to specific provisions of this chapter, the following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Complainant.” An alleged victim of a crime under this chapter.

“Deviate sexual intercourse.” *Sexual intercourse per os or per anus between human beings and any form of sexual intercourse with an animal.* The term also includes penetration, however slight, of the genitals or anus of another person with a foreign object for any purpose other than good faith medical, hygienic or law enforcement procedures.

“Forcible compulsion.” Compulsion by use of physical, intellectual, moral, emotional or psychological force, either express or implied. The term includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after sexual intercourse.

“Foreign object.” Includes any physical object not a part of the actor's body.

“Indecent contact.” Any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire, in any person.

“Serious bodily injury.” As defined in section 2301 (relating to definitions).

“Sexual intercourse.” *In addition to its ordinary meaning, includes intercourse per os or per anus, with some penetration however slight; emission is not required.*

18 PA. CONS. STAT. ANN. § 3129. Sexual intercourse with animal.

A person who engages in any form of sexual intercourse with an animal commits a misdemeanor of the second degree.

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6. CRUELTY TO WORKING ANIMALS

3 PA. STAT. ANN. § 459-602. Dogs used for law enforcement.

- (a) Illegal to taunt law enforcement dogs.**--It shall be unlawful for any person to willfully and maliciously taunt, torment, tease, beat, kick or strike any dog, including any search and rescue or detection dogs, used by any municipal, county or State police or sheriff's department or agency, fire department or agency or handler under the supervision of such department or agency, in the performance of the functions or duties of such department or agency or to commit any of the stated acts in the course of interfering with any such dog used by the department or agency or any member or supervised handler thereof in the performance of the functions or duties of the department or agency or of such officer or member or supervised handler. Any person who violates any of the provisions of this subsection commits a felony of the third degree.
- (b) Illegal to torture certain dogs.**--It shall be unlawful for any person to willfully or maliciously torture, mutilate, injure, disable, poison or kill any dog, including any search and rescue or detection dog, used by any municipal, county or State police or sheriff's department or agency, fire department or agency or handler under the supervision of such department or agency, in the performance of the functions or duties of the department or agency or to commit any of the stated acts in the course of interfering with any such dog used by the department or agency or any member or supervised handler thereof in the performance of any of the functions or duties of the department or agency or of such officer or member or supervised handler. Any person who violates any of the provisions of this subsection commits a felony of the second degree.
- (c) Illegal to deny facilities or service due to dog use.**--It shall be unlawful for the proprietor, manager or employee of a theater, hotel, motel, restaurant or other place of entertainment, amusement or accommodation to refuse, withhold from or deny to any person, due to the use of a working police dog, detection dog or search and rescue dog used by any State or county or municipal police or sheriff's department or agency, fire department, search and rescue unit or agency or handler under the supervision of those departments, either directly or indirectly, any of the accommodations, advantages, facilities or privileges of the theater, hotel, motel, restaurant or other place of public entertainment, amusement or accommodation. Any person who violates any of the provisions of this subsection commits a misdemeanor of the third degree.
- (d) Quarantine of certain dogs not required.**--Quarantine of dogs as required by law shall not apply to dogs owned by any municipal or State police department or agency when such dogs are under the direct supervision and care of a police officer and subject to routine veterinary care.

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18 PA. CONS. STAT. ANN. § 5531. Definitions.

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

“Accelerant detection dog.” A dog that is trained for accelerant detection, commonly referred to as arson canines.

“Animal fighting.” Fighting or baiting a bull, bear, dog, cock or other creature.

“Animal fighting paraphernalia.” A device, implement, object or drug used or intended to be used for animal fighting, to train an animal for animal fighting or in furtherance of animal fighting. In determining whether an object is animal fighting paraphernalia, a court or other authority should consider the following:

- (1) Statements by an owner or by an individual in control of the object concerning its use.
- (2) A prior conviction under Federal or State law relating to animal fighting.
- (3) The proximity of the object in time and space to the direct violation of this subchapter.
- (4) Direct or circumstantial evidence of the intent of the accused to deliver the object to persons whom the accused knows or should reasonably know intends to use the object to facilitate a violation of this subchapter.
- (5) Oral or written instructions provided with or in the vicinity of the object concerning the object's use.
- (6) Descriptive materials accompanying the object which explain or depict the object's use.
- (7) All other logically relevant factors.

“Audibly impaired.” The inability to hear air conduction thresholds at an average of 40 decibels or greater in the better ear.

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

“Bodily injury.” Impairment of physical condition or substantial pain.

“Bomb detection dog.” A dog that is trained to locate a bomb or explosives by scent.

“Certified veterinary technician.” As defined in section 3(13) of the act of December 27, 1974 (P.L. 995, No. 326),¹ known as the Veterinary Medicine Practice Act.

“Conveyance.” A truck, tractor, trailer or semitrailer, or a combination of these, propelled or drawn by mechanical power.

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

“Domestic animal.” A dog, cat, equine animal, bovine animal, sheep, goat or porcine animal.

“Domestic fowl.” An avis raised for food, hobby or sport.

“Equine animal.” A member of the Equidae family, which includes horses, asses, mules, ponies and zebras.

“Humane society police officer.” As defined in 22 Pa.C.S. § 3702 (relating to definitions).

“Licensed doctor of veterinary medicine.” As defined in section 3(8) of the Veterinary Medicine Practice Act.

“Narcotic detection dog.” A dog that is trained to locate narcotics by scent.

“Normal agricultural operation.” Normal activities, practices and procedures that farmers adopt, use or engage in year after year in the production and preparation for market of poultry, livestock and their products in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquicultural crops and commodities.

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

“Police animal.” *An animal, including, but not limited to, dogs and horses, used by the Pennsylvania State Police, a police department created by a metropolitan transportation authority operating under 74 Pa.C.S. Ch. 17 (relating to metropolitan transportation authorities), a police department created under the act of April 6, 1956 (1955 P.L. 1414, No. 465),² known as the Second Class County Port Authority Act, the Capitol Police, the Department of Corrections, a county facility or office or by a municipal police department, fire department, search and rescue unit or agency or handler under the supervision of the department, search and rescue unit or agency in the performance of the functions or duties of the department, search and rescue unit or agency, whether the animal is on duty or not on duty. The term shall include, but not be limited to, an accelerant detection dog, bomb detection dog, narcotic detection dog, search and rescue dog and tracking animal.*

“Search and rescue dog.” A dog that is trained to locate lost or missing persons, victims of

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natural or manmade disasters and human bodies.

“Serious bodily injury.” Bodily injury that creates a substantial risk of death or causes serious, permanent disfigurement or protracted loss or impairment of the function of a bodily member or organ.

“Service, guide or support dog.” *A dog that is trained or is being trained to work or perform tasks for the benefit of an individual with a disability consistent with Federal and State law related to service animals.*

“Torture.” Any of the following acts directed toward or against an animal unless directed to be performed by a licensed doctor of veterinary medicine acting within the normal scope of practice:

- (4) Breaking, severing or severely impairing limbs.
- (5) Inflicting severe and prolonged pain from burning, crushing or wounding.
- (6) Causing or allowing severe and prolonged pain through prolonged deprivation of food or sustenance without veterinary care.

“Tracking animal.” *An animal that is trained to track or used to pursue a missing person, escaped inmate or fleeing felon.*

“Veterinary assistant.” As defined in section 3(14) of the Veterinary Medicine Practice Act.

18 PA. CONS. STAT. ANN. § 5535. Attack of service, guide or support dog.

- (a) Offense defined.**--A person commits a misdemeanor of the third degree if the person is the owner of a dog that kills, maims or disfigures a service, guide or support dog of an individual with a disability without provocation by the service, guide, or support dog or the individual.
- (b) Culpability.**--A person commits an offense under this section only if the person:
- (1) knew or should have known that the dog the person owns had a propensity to attack human beings or domestic animals without provocation; and
 - (2) knowingly or recklessly failed to restrain the dog or keep the dog in a contained, secure manner.
- (c) Penalty.**--A person convicted of violating this section shall be sentenced to pay a fine of not more than \$5,000 and shall be ordered to make reparations for veterinary costs in treating the service, guide or support dog and, if necessary, the cost of obtaining and training a replacement service, guide, or support dog.
- (d) Civil penalty and restitution.**--
- (1) A person who is the owner of a dog that kills, maims or disfigures a service, guide or support dog of an individual with a disability shall be subject to paragraph (2) if both of the following apply:

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- (i) The owner knew the dog had a propensity to attack human beings or domestic animals.
 - (ii) The owner failed to restrain the dog or keep the dog in a contained, secure manner.
- (2) A court of common pleas may impose any of the following upon a person who is the owner of a dog under paragraph (1):
- (i) A civil penalty of up to \$15,000.
 - (ii) Reparations for veterinary costs in treating the service, guide or support dog and, if necessary, the cost of retraining the dog or of obtaining and training a replacement service, guide or support dog.
 - (iii) Loss of income for the time the individual is unable to work due to the unavailability of the service, guide or support dog.

18 PA. CONS. STAT. ANN, § 5548. Police animals

- (a) Illegal to taunt police animals.**--*It shall be unlawful for a person to intentionally or knowingly taunt, torment, tease, beat, kick or strike a police animal. A person who violates the provisions of this subsection commits a felony of the third degree.*
- (b) Illegal to torture police animals.**--*It shall be unlawful for a person to intentionally or knowingly torture, mutilate, injure, disable, poison or kill a police animal. A person who violates the provisions of this subsection commits a felony of the second degree.*
- (c) Restitution.**--In a case in which a defendant is convicted of a violation of subsection (a) or (b), the defendant shall be ordered to make restitution to the agency or individual owning the animal for veterinary bills, for replacement costs of the animal if it is disabled or killed and for the salary of the animal's handler for the period of time the handler's services are lost to the agency.

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7. MAXIMUM PENALTIES & STATUTES OF LIMITATIONS

18 PA. CONS. STAT. ANN. § 1101. Fines.

A person who has been convicted of an offense may be sentenced to pay a fine not exceeding:

- (1) \$50,000, when the conviction is of murder or attempted murder.
- (2) \$25,000, when the conviction is of a felony of the first or second degree.
- (3) \$15,000, when the conviction is of a felony of the third degree.
- (4) \$10,000, when the conviction is of a misdemeanor of the first degree.
- (5) \$5,000, when the conviction is of a misdemeanor of the second degree.
- (6) \$2,500, when the conviction is of a misdemeanor of the third degree.
- (7) \$300, when the conviction is of a summary offense for which no higher fine is established.
- (8) Any higher amount equal to double the pecuniary gain derived from the offense by the offender.
- (9) Any higher or lower amount specifically authorized by statute.

18 PA. CONS. STAT. ANN. § 1103. Sentence of imprisonment for felony.

Except as provided in 42 Pa.C.S. § 9714 (relating to sentences for second and subsequent offenses), a person who has been convicted of a felony may be sentenced to imprisonment as follows:

- (1) In the case of a felony of the first degree, for a term which shall be fixed by the court at not more than 20 years.
- (2) In the case of a felony of the second degree, for a term which shall be fixed by the court at not more than ten years.
- (3) *In the case of a felony of the third degree, for a term which shall be fixed by the court at not more than seven years.*

18 PA. CONS. STAT. ANN. § 1104. Sentence of imprisonment for misdemeanors.

A person who has been convicted of a misdemeanor may be sentenced to imprisonment for a definite term which shall be fixed by the court and shall be not more than:

- (1) *Five years in the case of a misdemeanor of the first degree.*
- (2) *Two years in the case of a misdemeanor of the second degree.*
- (3) *One year in the case of a misdemeanor of the third degree.*

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18 PA. CONS. STAT. ANN. § 5550. Fine and term of imprisonment for summary offense.

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

42 PA. CONS. STAT. ANN. § 5552. Other offenses.

(a) General rule.--*Except as otherwise provided in this subchapter, a prosecution for an offense must be commenced within two years after it is committed.*

(b) Major offenses.--A prosecution for any of the following offenses must be commenced within five years after it is committed:

- (1) Under the following provisions of Title 18 (relating to crimes and offenses):
 - Section 901 (relating to criminal attempt) involving attempt to commit murder where no murder occurs.
 - Section 902 (relating to criminal solicitation) involving solicitation to commit murder where no murder occurs.
 - Section 903 (relating to criminal conspiracy) involving conspiracy to commit murder where no murder occurs.
 - Section 911 (relating to corrupt organizations).
 - Section 2702 (relating to aggravated assault).
 - Section 2706 (relating to terroristic threats).
 - Section 2713 (relating to neglect of care-dependent person).
 - Section 2901 (relating to kidnapping).
 - Section 3301 (relating to arson and related offenses).
 - Section 3502 (relating to burglary).
 - Section 3701 (relating to robbery).
 - Section 3921 (relating to theft by unlawful taking or disposition) through section 3933 (relating to unlawful use of computer).
 - Section 4101 (relating to forgery).
 - Section 4107 (relating to deceptive or fraudulent business practices).
 - Section 4108 (relating to commercial bribery and breach of duty to act disinterestedly).
 - Section 4109 (relating to rigging publicly exhibited contest).
 - Section 4117 (relating to insurance fraud).
 - Section 4701 (relating to bribery in official and political matters) through section 4703 (relating to retaliation for past official action).
 - Section 4902 (relating to perjury) through section 4912 (relating to impersonating a public servant).
 - Section 4952 (relating to intimidation of witnesses or victims).
 - Section 4953 (relating to retaliation against witness, victim or party).
 - Section 5101 (relating to obstructing administration of law or other

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governmental function).

Section 5111 (relating to dealing in proceeds of unlawful activities).

Section 5512 (relating to lotteries, etc.) through section 5514 (relating to pool selling and bookmaking).

Section 5902(b) (relating to prostitution and related offenses).

Section 6111(g)(2) and (4) (relating to sale or transfer of firearms).

(2) Any offense punishable under section 13(f) of the act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act.¹

(3) Any conspiracy to commit any of the offenses set forth in paragraphs (1) and (2) and any solicitation to commit any of the offenses in paragraphs (1) and (2) if the solicitation results in the completed offense.

(4) Under the act of June 13, 1967 (P.L. 31, No. 21), known as the Public Welfare Code.

(5) Under the act of November 24, 1998 (P.L. 874, No. 110), known as the Motor Vehicle Chop Shop and Illegally Obtained and Altered Property Act.

(b.1) Major sexual offenses.--Except as provided in section 5551(7) (relating to no limitation applicable, a prosecution for any of the following offenses under Title 18 must be commenced within 12 years after it is committed:

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3124.2 (relating to institutional sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 4302 (relating to incest).

Section 6312 (relating to sexual abuse of children).

(c) Exceptions.--If the period prescribed in subsection (a), (b) or (b.1) has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself not a party to the offense, but in no case shall this paragraph extend the period of limitation otherwise applicable by more than three years.

(2) Any offense committed by a public officer or employee in the course of or in connection with his office or employment at any time when the defendant is in public office or employment or within five years thereafter, but in no case shall this paragraph extend the period of limitation otherwise applicable by more than eight years.

(3) Any sexual offense committed against a minor who is less than 18 years of age any time up to the later of the period of limitation provided by law after the minor has reached 18 years of age or the date the minor reaches 55 years of age. As used in this paragraph, the term "sexual offense" means a crime under the following provisions of Title 18 or a conspiracy or solicitation to commit an

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offense under any of the following provisions of Title 18 if the offense results from the conspiracy or solicitation:

Section 3126 (relating to indecent assault).

Section 3127 (relating to indecent exposure).

Section 4304 (relating to endangering welfare of children).

Section 6301 (relating to corruption of minors).

Section 6312(b) (relating to sexual abuse of children).

Section 6320 (relating to sexual exploitation of children).

- (3.1) Any sexual offense committed against an individual who is 23 years of age or younger any time up to the later of the period of limitation provided by law after the individual has reached 24 years of age or 20 years after the date of the offense. As used in this paragraph, the term “sexual offense” means a crime under the following provisions of Title 18 or a conspiracy or solicitation to commit an offense under any of the following provisions of Title 18 if the offense results from the conspiracy or solicitation:

Section 3011(a) as it relates to sexual servitude.

Section 3012 as it relates to sexual servitude.

Section 3121(a) and (b).

Section 3123(a).

Section 3124.1.

Section 3124.2(a) and (b).

Section 3125(a).

Section 3126.

Section 3127.

Section 4302(a).

- (4) An offense in violation of 18 Pa.C.S. § 6111(c) or (g), within one year of its discovery by State or local law enforcement, but in no case shall this paragraph extend the period of limitation otherwise applicable by more than eight years.
- (5) An offense under 18 Pa.C.S. § 3011 or 3012 in which the victim of human trafficking was not a minor any time up to ten years from the date of the last offense under this paragraph committed against the victim.
- (6) An offense under 18 Pa.C.S. § 3012 involving labor servitude while the victim was a minor any time up to ten years after the victim reaches 18 years of age.
- (c.1) Genetic identification evidence.**--Notwithstanding any provision of law to the contrary, if evidence of a misdemeanor sexual offense set forth in subsection (c)(3) or (3.1) or a felony offense is obtained containing human deoxyribonucleic acid (DNA) which is subsequently used to identify an otherwise unidentified individual as the perpetrator of the offense, the prosecution of the offense may be commenced within the period of limitations provided for the offense or one year after the identity of the individual is determined, whichever is later.
- (d) Commission of offense.**--An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at

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the time when the course of conduct or the complicity of the defendant therein is terminated. Time starts to run on the day after the offense is committed.

- (e) Commencement of prosecution.**--Except as otherwise provided by general rule adopted pursuant to section 5503 (relating to commencement of matters), a prosecution is commenced either when an indictment is found or an information under section 8931(b) (relating to indictment and information) is issued, or when a warrant, summons or citation is issued, if such warrant, summons or citation is executed without unreasonable delay.

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8. CROSS ENFORCEMENT & REPORTING

ANIMAL PROTECTION LAWS OF PENNSYLVANIA**9. VETERINARY REPORTING & IMMUNITY****18 PA. CONS. STAT. ANN. § 5556. Civil immunity for licensed doctors of veterinary medicine, technicians and assistants**

- (a) **General rule.**--*A licensed doctor of veterinary medicine, certified veterinary technician or veterinary assistant who reports, in good faith and in the normal course of business, a suspected violation of this subchapter to the proper authority shall not be liable for civil damages as a result of reporting the incident.*
- (b) **Nonapplicability.**--Subsection (a) shall not apply to an act or omission intentionally designed to harm or to an act or omission that constitutes gross negligence or willful, wanton or reckless conduct.

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10. LAW ENFORCEMENT POLICIES

18 PA. CONS. STAT. ANN. § 5551. Power to initiate criminal proceedings.

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

22 PA. CONS. STAT. ANN. § 3702. Definitions.

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

“Agricultural animal.” Any bovine animal, equine animal, sheep, goat, pig, poultry, bird, fowl, wild or semiwild animal or fish or other aquatic animal that is being raised, kept, transported or utilized for the purpose of or pursuant to agricultural production.

“Agricultural production.” The production and preparation for market of agricultural animals and their products and of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities.

“Board.” The Humane Society Police Officer Advisory Board.

“Complainant.” Any person who has evidence that an individual appointed as a humane society police officer has performed in a manner that is contrary to the standards, requirements and qualifications prescribed in this chapter for appointment of individuals as humane society police officers. The term also includes a district attorney or a municipal solicitor.

“Convicted.” A finding or verdict of guilt, an admission of guilt or a plea of nolo contendere or receiving probation without verdict, disposition in lieu of trial or an Accelerated Rehabilitative Disposition in the disposition of felony charges.

“Cruelty to animals laws.” The provisions of 18 Pa.C.S. Ch. 55 Subch. B (relating to cruelty to animals).

“Department.” The Department of Agriculture of the Commonwealth.

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“Humane society police officer.” Any person who holds a current appointment under this chapter to act as a humane society police officer for a society or association for the prevention of cruelty to animals. The term shall include an individual who is an agent of a society or association for the prevention of cruelty to animals as “agent” is used in 18 Pa.C.S. Ch. 55 Subch. B (relating to cruelty to animals), provided that individual holds a current appointment under this chapter.

“Secretary.” The Secretary of Agriculture of the Commonwealth.

“Serious misdemeanor.” A criminal offense for which more than one year in prison can be imposed as a punishment.

“Society or association.” A nonprofit society or association duly incorporated pursuant to 15 Pa.C.S. Ch. 53 Subch. A (relating to incorporation generally) for the purpose of the prevention of cruelty to animals.

22 PA. CONS. STAT. ANN. § 3708. Powers and authority; jurisdiction.

- (a) **Authority limited to county of appointment.**--*An individual appointed as a humane society police officer in accordance with this chapter shall have power and authority to exercise the powers conferred under 18 Pa.C.S. Ch. 55 Subch. B (relating to cruelty to animals) in enforcement of animal cruelty laws only within the particular county whose court of common pleas issued the appointment. The individual has no power or authority to exercise the powers conferred under 18 Pa.C.S. Ch. 55 Subch. B in any other county whose court of common pleas has not issued an appointment.*
- (b) **Notice to district attorney.**--*Prior to exercising the power and authority set forth by this chapter within a county, each appointed humane society police officer shall file notice, along with a copy of the appointment granted under this chapter, with the district attorney of the county.*
- (c) **Shield.**--*Every individual appointed as a humane society police officer under this chapter shall possess a metallic shield with the words “humane society police officer” and the name of the society or association for which the individual is appointed displayed thereon.*
- (d) **Photo identification.**--*Every individual appointed as a humane society police officer under this chapter shall have a photo identification card issued by the department that contains the following:*
 - (1) *A photo of the individual taken within the previous 24 months.*
 - (2) *The name of the individual.*
 - (3) *The signature of the individual.*
 - (4) *The name of the society or association for which the individual is appointed as a humane society police officer.*

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- (5) *The address and telephone number of the society or association for which the individual is appointed as a humane society police officer.*
- (6) *The date of issuance of the photo identification card.*

22 PA. CONS. STAT. ANN. § 3711. Limitation on possession of firearms.

No individual appointed as a humane society police officer shall carry, possess or use a firearm in the performance of that individual's duties unless that individual holds a current and valid certification in the use and handling of firearms pursuant to at least one of the following:

- (1) *53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).*
- (2) *The act of October 10, 1974 (P.L. 705, No. 235), known as the Lethal Weapons Training Act.*
- (3) *The act of February 9, 1984 (P.L. 3, No. 2), known as the Deputy Sheriffs' Education and Training Act.*
- (4) *Any other firearms program that has been determined by the Commissioner of the Pennsylvania State Police to be of sufficient scope and duration as to provide the participant with basic training in the use and handling of firearms.*

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11. SEIZURE

18 PA. CONS. STAT. ANN. § 5538. Transporting animals in cruel manner.

- (a) **Offense defined.**--A person commits a summary offense if the person carries, or causes or allows to be carried, in or upon any cart or other vehicle whatsoever an animal in a cruel or inhumane manner. *The person taking the offender into custody may take charge of the animal and of the vehicle and the vehicle's contents, and deposit the same in a safe place of custody, and the necessary expenses that may be incurred for taking charge of and keeping the same, and sustaining the animal, shall be a lien thereon, to be paid before the same can lawfully be recovered, or the expenses or any part thereof remaining unpaid may be recovered by the person incurring the same from the owner of the animal in an action therefor.*
- (b) **Exception.**--For the purposes of this section, it shall not be deemed cruel or inhumane to transport live poultry in crates so long as not more than 15 pounds of live poultry are allocated to each cubic foot of space in the crate.

18 PA. CONS. STAT. ANN. § 5552. Seizure of animals kept or used for animal fighting.

A police officer or agent of a society or association for the prevention of cruelty to animals incorporated under the laws of this Commonwealth shall have power to seize an animal kept, used or intended to be used for animal fighting. When the seizure is made, the animal or animals seized shall not be deemed absolutely forfeited but shall be held by the officer or agent seizing the animal or animals until a conviction of a person is first obtained for a violation of section 5543 (relating to animal fighting) or forfeiture is obtained under the act of July 9, 2013 (P.L. 263, No. 50),¹ known as the Costs of Care of Seized Animals Act. The officer or agent making the seizure shall make due return to the issuing authority of the number and kind of animals or creatures seized by the officer or agent. Where an animal is seized, the police officer or agent is authorized to provide the care that is reasonably necessary and, where an animal seized is found to be disabled, injured or diseased beyond reasonable hope of recovery, the police officer or agent is authorized to provide for the humane destruction of the animal. In addition to any other penalty provided by law, the authority imposing sentence upon a conviction for a violation of section 5543 shall order the forfeiture or surrender of an abused or neglected animal of the defendant to a society or association for the prevention of cruelty to animals duly incorporated under the laws of this Commonwealth and shall require that the owner pay the cost of the keeping, care and destruction of the animal.

18 PA. CONS. STAT. ANN. § 5553. Search Warrants.

Where a violation of this subchapter is alleged, an issuing authority may, in compliance with the

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applicable provisions of the Pennsylvania Rules of Criminal Procedure, issue to a police officer or an agent of a society or association for the prevention of cruelty to animals duly incorporated under the laws of this Commonwealth a search warrant authorizing the search of a building or an enclosure in which a violation of this subchapter is occurring or has occurred and authorizing the seizure of evidence of the violation, including, but not limited to, the animals which were the subject of the violation. Where an animal seized is found to be neglected or starving, the police officer or agent is authorized to provide the care that is reasonably necessary and, where any animal seized is found to be disabled, injured or diseased beyond reasonable hope of recovery, the police officer or agent is authorized to provide for the humane destruction of the animal. The cost of the keeping, care and destruction of the animal shall be paid by the owner of the animal, and claims for the costs shall constitute a lien upon the animal. In addition to any other penalty provided by law, the authority imposing sentence upon a conviction for a violation of this subchapter may require that the owner pay the cost of the keeping, care and destruction of the animal. No search warrant shall be issued based upon an alleged violation of this subchapter which authorizes a police officer or agent or other person to enter upon or search premises where scientific research work is being conducted by or under the supervision of graduates of duly accredited scientific schools or where biological products are being produced for the care or prevention of disease.

22 PA. CONS. STAT. ANN. § 3710. Search warrants.

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

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12. COURTROOM ANIMAL ADVOCATE PROGRAM

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13. PROTECTION ORDERS

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14. RESTITUTION

NOTE: The following statutes in the “Costs of Care of Seized Animals Act” refer to the now-repealed animal cruelty law, **18 PA. CONS. STAT. ANN. § 5511**. However, this Act may still be used for cost of care petition in conjunction with animals seized under the new animal cruelty laws, due to the rule of construction codified in **1 PA. CONS. STAT. ANN. § 1937**.

18 PA. STAT. ANN. § 30.2. Definition.

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

“Costs order.” A court order under section 5(e) to pay filing fees and reasonable costs of care.

“Defendant.” A person charged with a violation of 18 Pa.C.S. § 5511 (relating to cruelty to animals).

“Normal agricultural operation.” As defined under 18 Pa.C.S. § 5511(q) (relating to cruelty to animals).

“Owner.” In relation to an animal seized under 18 Pa.C. S. § 5511 (relating to cruelty to animals), a person who can prove legal title to or ownership of an animal at issue on the date of the seizure.

“Petition.” A petition for reasonable costs of care for any animal seized under 18 Pa.C.S. § 5511 (relating to cruelty to animals).

“Petitioner.” A person or entity that files a petition under this act.

“Reasonable costs of care.” As follows:

- (1) *The reasonable costs of caring for seized animals, including the provision of food, water, shelter and medical care, beginning at the date of the seizure and continuing until the earlier of one of the following:*
 - (i) *At least 30 days following a hearing on a petition for costs of care.*
 - (ii) *The seized animals are no longer under the control of the petitioner.*
 - (iii) *The owner and defendant have relinquished all interests in the seized animals.*
- (2) *Reasonable costs of care shall be limited to \$15 per day per animal, in addition to necessary medical care, as determined by a licensed veterinarian and documented by invoices.*

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“Society or association.” A nonprofit society or association duly incorporated under 15 Pa.C.S. Ch. 53 Subch. A (relating to incorporation generally) for the purpose of the prevention of cruelty to animals.

18 PA. STAT. ANN. § 30.3. Petition for reasonable costs of care.

- (a) Filing.**--If animals are seized under 18 Pa.C.S. § 5511 (relating to cruelty to animals), a petition may be filed, with the court of common pleas in the county where related criminal charges have been filed, by any of the following:
- (1) A county or municipal official.
 - (2) A society or association or other incorporated nonprofit organization providing care for the animals.
- (b) Time.**--A petition may not be filed later than seven days after the entry of final judgment on the related criminal charge for a violation of 18 Pa.C.S. § 5511.

18 PA. CONS. STAT. ANN. § 30.4. Service of petition.

- (a) Defendant.**--Not later than seven days after filing a petition under section 3,¹ the petitioner shall serve the petition on the defendant by personal service or by registered mail to any of the following:
- (1) The defendant's mailing address.
 - (2) The place of business of the defendant's counsel.
 - (3) The detention facility where the defendant is incarcerated.
- (b) Owner.**--The petitioner shall serve the petition on the owner of a seized animal if all of the following apply:
- (1) The petitioner is aware that the defendant is not the owner of the seized animals.
 - (2) The petitioner is aware of the owner's location.

18 PA. CONS. STAT. ANN. § 30.5. Hearing.

- (a) Date.**--Upon receipt of a petition, the court shall set a date for a hearing to determine the responsibility of a defendant for reasonable costs of care.
- (b) Time.**--A hearing under subsection (a) shall be scheduled not less than 14 days but not more than 21 days from the service of the petition. The petitioner shall serve notice of the hearing date upon the defendant and, if required to be served under section 4(b), the owner.
- (c) Evidence.**--At the hearing, the petitioner shall present evidence that demonstrates:
- (1) the amount of reasonable costs of care for the seized animal;
 - (2) that the seizure was warranted; and

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- (3) *if the owner is required to be served under section 4(b), that a copy of the petition has been mailed to the owner's last known address.*
- (d) Objection.**--The defendant and, if required to be served under section 4(b), the owner shall have the opportunity at the hearing to object to the petition.
- (e) Costs order.**--
- (1) *Not later than five days after the commencement of the hearing, the court shall issue an order granting or denying the petition. If the court grants the petition, the order shall include any filing fees paid by the petitioner to file the petition under section 3 and the amount of reasonable costs of care, both of which shall be paid by the defendant.*
- (2) *The costs order shall include a schedule of monthly payments for costs of care to be paid by the defendant beginning 30 days after the initial payment designated in the order under paragraph (1). Payments shall continue until termination under section 7. The defendant's ability to pay shall not affect the court's determination as to the amount of the reasonable costs of care.*

18 PA. CONS. STAT. ANN. § 30.6. Payment of reasonable costs of care

- (a) General rule.**--*Not later than seven days after service of the costs order, the defendant shall make payments to the petitioner in accordance with the costs order. The defendant shall make payments thereafter under the costs order until termination under section 7.*
- (b) Nonpayment.**--If a defendant subject to a costs order fails to timely pay any of the amounts ordered, the following shall apply:
- (1) A seized animal for which reasonable costs of care were ordered shall be automatically forfeited, by operation of law, to the petitioner.
- (2) The petitioner shall obtain all rights and privileges in and over the animals.
- (3) If any owner was required to be served under section 4(b) and the defendant was ordered to pay costs under section 5(e), the petitioner shall provide the owner with notice of the nonpayment by certified mail at the owner's last known address. The notice shall inform the owner that the forfeiture described in this section shall occur without further notice if the payment default is not remedied in full within ten days of the mailing of the notice. If the owner pays the amount past due, the obligation to pay costs under section 5(e) shall be considered a joint obligation of the defendant and the owner, and no further notice of any other default shall be required prior to forfeiture.
- (c) Adjustment.**--The court, upon motion by a petitioner or respondent and after a hearing consistent with section 5, may adjust the amount of reasonable costs of care.
- (d) Payment.**--Payment of reasonable costs of care under subsection (a) shall not prevent the petitioner from doing any of the following:
- (1) Providing necessary medical care, including euthanizing any seized animal. The petitioner may euthanize a seized animal if the petitioner obtains a written opinion from a licensed veterinarian who states it is necessary to alleviate the

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animal's suffering.

- (2) Transferring to another facility or caretaker a seized animal if any of the following apply:
 - (i) The court orders the transfer.
 - (ii) The owner of the animal surrenders all rights to the animal.
 - (3) Filing with the court that entered the costs order a request seeking permission to return a seized animal to an owner who is not charged under 18 Pa.C.S. § 5511 (relating to cruelty to animals).
- (e) Reproductive health.**--A petitioner may not spay, neuter or otherwise affect the reproductive health of the seized animal under any circumstances unless the owner surrenders all rights of ownership of the animal in writing, forfeits the animal pursuant to subsection (b), consents to the surgery in writing or if the petitioner obtains a written opinion from a licensed veterinarian who states that the procedure is medically necessary for the health of the animal.
- (f) Unnecessary medical care.**--Under no circumstances may a petitioner be reimbursed for costs of care for which the defendant or owner provides medical records, signed by a licensed veterinarian, that show that such costs are unnecessary.

18 PA. CONS. STAT. ANN. § 30.7. Termination of costs order

- (a) Time.**--A costs order shall be terminated upon the occurrence of any of the following:
- (1) The issuance of a final judgment on the criminal charge for a violation of 18 Pa.C.S. § 5511 (relating to cruelty to animals).
 - (2) The defendant or owner of the animals surrendering all rights to the animals.
 - (3) The seized animals being no longer under the control of the petitioner.
- (b) Remittance.**--As follows:
- (1) *No earlier than the issuance of the final order on the related criminal charge for a violation of 18 Pa.C.S. § 5511, any unused portion of reasonable costs of care remaining after full payment in accordance with a costs order shall be remitted to the person who paid the costs of care of the seized animal.*
 - (2) *If no related criminal charge for a violation of 18 Pa.C.S. § 5511 results in any conviction and, if all costs ordered to be paid under sections 5(e) and 6 have been timely paid, the owner shall have the right to repossession of the animal and to a return of all reasonable costs of care.*

18 PA. CONS. STAT. ANN. § 5535. Attack of service, guide or support dog.

- (a) Offense defined.**--A person commits a misdemeanor of the third degree if the person is the owner of a dog that kills, maims or disfigures a service, guide or support dog of an individual with a disability without provocation by the service, guide or support dog or the individual.

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(b) Culpability.--A person commits an offense under this section only if the person:

- (1) knew or should have known that the dog the person owns had a propensity to attack human beings or domestic animals without provocation; and
- (2) knowingly or recklessly failed to restrain the dog or keep the dog in a contained, secure manner.

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

(d) Civil penalty and restitution.--

- (1) A person who is the owner of a dog that kills, maims or disfigures a service, guide or support dog of an individual with a disability shall be subject to paragraph (2) if both of the following apply:
 - (i) The owner knew the dog had a propensity to attack human beings or domestic animals.
 - (ii) The owner failed to restrain the dog or keep the dog in a contained, secure manner.
- (2) A court of common pleas may impose any of the following upon a person who is the owner of a dog under paragraph (1):
 - (i) A civil penalty of up to \$15,000.
 - (ii) *Reparations for veterinary costs in treating the service, guide or support dog and, if necessary, the cost of retraining the dog or of obtaining and training a replacement service, guide or support dog.*
 - (iii) *Loss of income for the time the individual is unable to work due to the unavailability of the service, guide or support dog.*

18 PA. CONS. STAT. ANN. § 5538. Transporting animals in cruel manner.

- (a) **Offense defined.**--A person commits a summary offense if the person carries, or causes or allows to be carried, in or upon any cart or other vehicle whatsoever an animal in a cruel or inhumane manner. The person taking the offender into custody may take charge of the animal and of the vehicle and the vehicle's contents, and deposit the same in a safe place of custody, *and the necessary expenses that may be incurred for taking charge of and keeping the same, and sustaining the animal, shall be a lien thereon, to be paid before the same can lawfully be recovered, or the expenses or any part thereof remaining unpaid may be recovered by the person incurring the same from the owner of the animal in an action therefor.*
- (b) **Exception.**--For the purposes of this section, it shall not be deemed cruel or inhumane to transport live poultry in crates so long as not more than 15 pounds of live poultry are allocated to each cubic foot of space in the crate.

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18 PA. CONS. STAT. ANN. § 5548. Police animals

- (a) **Illegal to taunt police animals.**--It shall be unlawful for a person to intentionally or knowingly taunt, torment, tease, beat, kick or strike a police animal. A person who violates the provisions of this subsection commits a felony of the third degree.
- (b) **Illegal to torture police animals.**--It shall be unlawful for a person to intentionally or knowingly torture, mutilate, injure, disable, poison or kill a police animal. A person who violates the provisions of this subsection commits a felony of the second degree.
- (c) **Restitution.**--*In a case in which a defendant is convicted of a violation of subsection (a) or (b), the defendant shall be ordered to make restitution to the agency or individual owning the animal for veterinary bills, for replacement costs of the animal if it is disabled or killed and for the salary of the animal's handler for the period of time the handler's services are lost to the agency.*

18 PA. CONS. STAT. ANN. § 5549. Assault with a biological agent on animal, fowl or honey bees.

- (a) **Offense defined.**--A person commits a felony of the second degree if the person intentionally, knowingly or maliciously exposes or causes to be exposed an animal, fowl or honey bees to a virus, bacteria, prion or other agent which causes infectious disease, including any of the following:
 - (1) Foot-and-mouth disease.
 - (2) Bovine spongiform encephalopathy (BSE), commonly known as mad cow disease.
 - (3) Avian influenza.
 - (4) Varroa mite.
- (b) **Restitution.**--*The person convicted of violating this section shall, in addition to any other sentence imposed, be sentenced to pay the owner of the afflicted animal, fowl or honey bees restitution in an amount equal to the cost of the financial damages incurred as a result of the offense, including the following:*
 - (1) *Value of afflicted animal, fowl or honey bees.*
 - (2) *Disposal of afflicted animal, fowl or honey bees.*
 - (3) *Testing for disease on existing animal.*
 - (4) *Cleanup and sanitization of property and buildings on and in which afflicted animals, fowl or honey bees were located.*
 - (5) *Liability insurance for cleanup and sanitization workers.*
 - (6) *Soil testing of property.*
 - (7) *Loss of revenue for the aggrieved owner of afflicted animal, fowl or honey bees.*
- (c) **Exceptions.**--The provisions of this section shall not apply to research or veterinarian services, including immunizations, vaccinations or other treatments administered during the normal scope of practice.

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18 PA. CONS. STAT. ANN. § 5552. Seizure of animals kept or used for animal fighting.

A police officer or agent of a society or association for the prevention of cruelty to animals incorporated under the laws of this Commonwealth shall have power to seize an animal kept, used or intended to be used for animal fighting. When the seizure is made, the animal or animals seized shall not be deemed absolutely forfeited but shall be held by the officer or agent seizing the animal or animals until a conviction of a person is first obtained for a violation of section 5543 (relating to animal fighting) or forfeiture is obtained under the act of July 9, 2013 (P.L. 263, No. 50),¹ known as the Costs of Care of Seized Animals Act. The officer or agent making the seizure shall make due return to the issuing authority of the number and kind of animals or creatures seized by the officer or agent. Where an animal is seized, the police officer or agent is authorized to provide the care that is reasonably necessary and, where an animal seized is found to be disabled, injured or diseased beyond reasonable hope of recovery, the police officer or agent is authorized to provide for the humane destruction of the animal. In addition to any other penalty provided by law, the authority imposing sentence upon a conviction for a violation of section 5543 shall order the forfeiture or surrender of an abused or neglected animal of the defendant to a society or association for the prevention of cruelty to animals duly incorporated under the laws of this Commonwealth *and shall require that the owner pay the cost of the keeping, care and destruction of the animal.*

18 PA. CONS. STAT. ANN. § 5553. Search Warrants.

Where a violation of this subchapter is alleged, an issuing authority may, in compliance with the applicable provisions of the Pennsylvania Rules of Criminal Procedure, issue to a police officer or an agent of a society or association for the prevention of cruelty to animals duly incorporated under the laws of this Commonwealth a search warrant authorizing the search of a building or an enclosure in which a violation of this subchapter is occurring or has occurred and authorizing the seizure of evidence of the violation, including, but not limited to, the animals which were the subject of the violation. Where an animal seized is found to be neglected or starving, the police officer or agent is authorized to provide the care that is reasonably necessary and, where any animal seized is found to be disabled, injured or diseased beyond reasonable hope of recovery, the police officer or agent is authorized to provide for the humane destruction of the animal. *The cost of the keeping, care and destruction of the animal shall be paid by the owner of the animal, and claims for the costs shall constitute a lien upon the animal. In addition to any other penalty provided by law, the authority imposing sentence upon a conviction for a violation of this subchapter may require that the owner pay the cost of the keeping, care and destruction of the animal.* No search warrant shall be issued based upon an alleged violation of this subchapter which authorizes a police officer or agent or other person to enter upon or search premises where scientific research work is being conducted by or under the supervision of graduates of duly accredited scientific schools or where biological products are being produced for the care or prevention of disease.

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15. FORFEITURE & POSSESSION BANS

18 PA. CONS. STAT. ANN. § 30.6. Payment of reasonable costs of care

- (a) **General rule.**--Not later than seven days after service of the costs order, the defendant shall make payments to the petitioner in accordance with the costs order. The defendant shall make payments thereafter under the costs order until termination under section 7.
- (b) **Nonpayment.**--*If a defendant subject to a costs order fails to timely pay any of the amounts ordered, the following shall apply:*
- (1) *A seized animal for which reasonable costs of care were ordered shall be automatically forfeited, by operation of law, to the petitioner.*
 - (2) *The petitioner shall obtain all rights and privileges in and over the animals.*
 - (3) *If any owner was required to be served under section 4(b) and the defendant was ordered to pay costs under section 5(e), the petitioner shall provide the owner with notice of the nonpayment by certified mail at the owner's last known address. The notice shall inform the owner that the forfeiture described in this section shall occur without further notice if the payment default is not remedied in full within ten days of the mailing of the notice. If the owner pays the amount past due, the obligation to pay costs under section 5(e) shall be considered a joint obligation of the defendant and the owner, and no further notice of any other default shall be required prior to forfeiture.*
- (c) **Adjustment.**--The court, upon motion by a petitioner or respondent and after a hearing consistent with section 5, may adjust the amount of reasonable costs of care.
- (d) **Payment.**--Payment of reasonable costs of care under subsection (a) shall not prevent the petitioner from doing any of the following:
- (1) Providing necessary medical care, including euthanizing any seized animal. The petitioner may euthanize a seized animal if the petitioner obtains a written opinion from a licensed veterinarian who states it is necessary to alleviate the animal's suffering.
 - (2) Transferring to another facility or caretaker a seized animal if any of the following apply:
 - (i) The court orders the transfer.
 - (ii) The owner of the animal surrenders all rights to the animal.
 - (3) Filing with the court that entered the costs order a request seeking permission to return a seized animal to an owner who is not charged under 18 Pa.C.S. § 5511 (relating to cruelty to animals).
- (e) **Reproductive health.**--A petitioner may not spay, neuter or otherwise affect the reproductive health of the seized animal under any circumstances unless the owner surrenders all rights of ownership of the animal in writing, forfeits the animal pursuant to subsection (b), consents to the surgery in writing or if the petitioner obtains a written opinion from a licensed veterinarian who states that the procedure is medically

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necessary for the health of the animal.

- (f) **Unnecessary medical care.**--Under no circumstances may a petitioner be reimbursed for costs of care for which the defendant or owner provides medical records, signed by a licensed veterinarian, that show that such costs are unnecessary.

18 PA. CONS. STAT. ANN. § 5552. Seizure of animals kept or used for animal fighting.

A police officer or agent of a society or association for the prevention of cruelty to animals incorporated under the laws of this Commonwealth shall have power to seize an animal kept, used or intended to be used for animal fighting. When the seizure is made, the animal or animals seized shall not be deemed absolutely forfeited but shall be held by the officer or agent seizing the animal or animals until a conviction of a person is first obtained for a violation of section 5543 (relating to animal fighting) or forfeiture is obtained under the act of July 9, 2013 (P.L. 263, No. 50),¹ known as the Costs of Care of Seized Animals Act. The officer or agent making the seizure shall make due return to the issuing authority of the number and kind of animals or creatures seized by the officer or agent. *Where an animal is seized, the police officer or agent is authorized to provide the care that is reasonably necessary and, where an animal seized is found to be disabled, injured or diseased beyond reasonable hope of recovery, the police officer or agent is authorized to provide for the humane destruction of the animal. In addition to any other penalty provided by law, the authority imposing sentence upon a conviction for a violation of section 5543 shall order the forfeiture or surrender of an abused or neglected animal of the defendant to a society or association for the prevention of cruelty to animals duly incorporated under the laws of this Commonwealth and shall require that the owner pay the cost of the keeping, care and destruction of the animal.*

18 PA. CONS. STAT. ANN. § 5554. Forfeiture.

- (a) **General rule.**--Except as provided under subsection (b), in addition to any other penalty provided by law, the authority imposing sentence upon a conviction for a violation of this subchapter may order the forfeiture or surrender of an abused or neglected animal of the defendant to a society or association for the prevention of cruelty to animals duly incorporated under the laws of this Commonwealth.
- (b) **Forfeiture required for felony offense.**--*If the conviction under this subchapter is for an offense graded as a felony, the authority imposing sentence shall order forfeiture or surrender of an abused or neglected animal of the defendant to a society or association for the prevention of cruelty to animals duly incorporated under the laws of this Commonwealth.*

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18 PA. CONS. STAT. ANN. § 5555. Prohibition of ownership.

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

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16. COURT-ORDERED TREATMENT

18 PA. CONS. STAT. ANN. § 5542. Animal mutilation and related offenses.

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

- (1) A person commits an offense under section 5533 (relating to cruelty to animal) if the person crops, trims or cuts off, or causes or procures to be cropped, trimmed or cut off, the whole or part of the ear or ears of a dog.
- (2) The provisions of this subchapter shall not prevent a licensed doctor of veterinary medicine from cropping, trimming or cutting off the whole or part of the ear or ears of a dog when the dog is anesthetized and shall not prevent a person from causing or procuring the cropping, trimming or cutting off of a dog's ear or ears by a licensed doctor of veterinary medicine.
- (3) The possession by a person of a dog with an ear or ears cropped, trimmed or cut off and with the wound or incision site resulting therefrom unhealed, or any such dog being found in the charge or custody of any person or confined upon the premises owned by or under the control of any person, shall be prima facie evidence of a violation by the person, except as provided for in this subsection.
- (4) A person who procures the cropping, trimming or cutting off of the whole or part of an ear or ears of a dog shall record the procedure. The record shall include the name of the attending licensed doctor of veterinary medicine and the date and location at which the procedure was performed. The record shall be kept as long as the wound or incision site is unhealed and shall be transferred with the dog during that period of time.

(b) Debarking.--The following apply:

- (1) A person commits an offense under section 5533 if the person debarks a dog by cutting, causing or procuring the cutting of its vocal cords or by altering, causing or procuring the alteration of a part of its resonance chamber.
- (2) The provisions of this subchapter shall not prevent a licensed doctor of veterinary medicine from cutting the vocal cords or otherwise altering the resonance chamber of a dog when the dog is anesthetized and shall not prevent a person from causing or procuring a debarking procedure by a licensed doctor of veterinary medicine.
- (3) The possession by a person of a dog with the vocal cords cut or the resonance chamber otherwise altered and with the wound or incision site resulting therefrom unhealed, or any such dog being found in the charge or custody of a person or confined upon the premises owned by or under the control of a person, shall be prima facie evidence of a violation by the person, except as provided in this subsection.
- (4) A person who procures the cutting of vocal cords or the alteration of the resonance chamber of a dog shall record the procedure. The record shall include the name of the attending licensed doctor of veterinary medicine and the date

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

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

- (1) A person commits an offense under section 5533 if the person docks, cuts off, causes or procures the docking or cutting off of the tail of a dog over five days old.
- (2) The provisions of this subchapter shall not prevent a licensed doctor of veterinary medicine from docking, cutting off or cropping the whole or part of the tail of a dog when the dog is at least 12 weeks of age and the procedure is performed using general anesthesia and shall not prevent a person from causing or procuring the cutting off or docking of a tail of a dog by a licensed doctor of veterinary medicine as provided in this subsection.
- (3) The provisions of this subchapter shall not prevent a licensed doctor of veterinary medicine from surgically removing, docking, cutting off or cropping the tail of a dog between five days and 12 weeks of age if, in the licensed doctor of veterinary medicine's professional judgment, the procedure is medically necessary for the health and welfare of the dog. If the procedure is performed, it shall be done in accordance with generally accepted standards of veterinary practice.
- (4) The possession by a person of a dog with a tail cut off or docked and with the wound or incision site resulting therefrom unhealed, or any such dog being found in the charge or custody of any person or confined upon the premises owned by or under the control of any person, shall be prima facie evidence of a violation by the person, except as provided in this subsection.
- (5) A person who procures the cutting off or docking of a tail of a dog shall record the procedure. The record shall include the name of the attending licensed doctor of veterinary medicine and the date and location at which the procedure was performed. The record shall be kept as long as the wound or incision site is unhealed and shall be transferred with the dog during that period of time.

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

- (1) A person commits an offense under section 5533 if the person surgically births or causes or procures a surgical birth.
- (2) The provisions of this subchapter shall not prevent a licensed doctor of veterinary medicine from surgically birthing a dog when the dog is anesthetized and shall not prevent a person from causing or procuring a surgical birthing by a licensed doctor of veterinary medicine.
- (3) The possession by a person of a dog with a wound or incision site resulting from a surgical birth unhealed, or any such dog being found in the charge or custody of a person or confined upon the premises owned by or under the control of any person, shall be prima facie evidence of a violation by the person, except as provided in this subsection.
- (4) A person who procures the surgical birth of a dog shall record the procedure. The record shall include the name of the attending licensed doctor of veterinary medicine and the date and location at which the procedure was performed. The

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record shall be kept as long as the wound or incision site is unhealed and shall be transferred with the dog during that period of time.

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

(e) Dewclawing.--The following apply:

- (1) A person commits an offense under section 5533 if the person cuts off or causes or procures the cutting off of the dewclaw of a dog over five days old.
- (2) The provisions of this subchapter shall not prevent a licensed doctor of veterinary medicine from cutting the dewclaw and shall not prevent a person from causing or procuring the procedure by a licensed doctor of veterinary medicine.
- (3) The possession by a person of a dog with the dewclaw cut off and with the wound or incision site resulting therefrom unhealed, or any such dog being found in the charge or custody of a person or confined upon the premises owned by or under the control of a person, shall be prima facie evidence of a violation by the person, except as provided in this subsection.
- (4) A person who procures the cutting off of the dewclaw of a dog shall record the procedure. The record shall include the name of the attending licensed doctor of veterinary medicine and the date and location at which the procedure was performed. The record shall be kept as long as the wound or incision site is unhealed and shall be transferred with the dog during that period of time.

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

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17. HOT CARS

42 PA. CONS. STAT. ANN. § 8340.3. Rescue from motor vehicle.

- (a) **Rescue of individual.**—No person shall be liable for damage to a motor vehicle or the contents thereof caused by entry into the motor vehicle for the purpose of removing an individual from the motor vehicle, if the person:
- (1) Has a good faith, reasonable belief that the individual is in imminent danger of suffering harm if not immediately removed from the motor vehicle.
 - (2) Determines that the individual is unable to exit the motor vehicle without assistance.
 - (3) Makes a reasonable effort to locate the driver of the motor vehicle and to contact law enforcement, a fire department or other emergency responder prior to entry. If the driver is not located and such contact is not possible prior to entering the motor vehicle, the person shall contact law enforcement, a fire department or other emergency responder as soon as reasonably possible after entering the motor vehicle.
 - (4) Uses no more force than necessary under the circumstances to enter the motor vehicle.
 - (5) Makes a good faith effort to leave notice on or in the motor vehicle stating the reason the entry was made, the location of the individual who was removed from the motor vehicle and, if possible, identifying the police or fire department or other emergency responder that is expected to respond.
 - (6) Remains with the individual in a safe location until law enforcement or emergency responders arrive.
- (b) **Rescue of dog or cat.**—*No law enforcement officer, animal control officer, humane society police officer or emergency responder, or the employer of a law enforcement officer, humane society police officer or emergency responder, shall be liable for damage to a motor vehicle or the contents thereof caused by entry into the motor vehicle for the purpose of removing a dog or cat, if the law enforcement officer, humane society police officer or emergency responder does all of the following:*
- (1) *Has a good-faith, reasonable belief that the dog or cat is in imminent danger of suffering harm if not immediately removed from the motor vehicle.*
 - (2) *Makes a reasonable effort to locate the driver of the motor vehicle prior to entry.*
 - (3) *Takes reasonable steps to ensure or restore the well-being of the dog or cat.*
 - (4) *Uses no more force than necessary under the circumstances to enter the motor vehicle.*
 - (5) *Leaves notice on or in the motor vehicle stating the reason entry was made, the name of the person and of the person's employer, a telephone number and, if possible, the location where the dog or cat may be retrieved.*
- (c) **Limitation.**—*A person shall not be immune from civil liability for damage resulting from the entry if the person's actions constitute gross negligence, recklessness or willful or wanton misconduct.*

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18. CIVIL NUISANCE ABATEMENT

ANIMAL PROTECTION LAWS OF PENNSYLVANIA

19. AG-GAG LAWS

ANIMAL PROTECTION LAWS OF PENNSYLVANIA**20. BREED SPECIFIC LEGISLATION****3 PA. STAT. ANN. § 459-507-A. Construction of article.**

- (a) ENFORCEMENT.-- This article shall be enforced by all municipalities except counties.
- (b) ABUSIVE OR UNLAWFUL CONDUCT OF VICTIM.-- This article shall not apply if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing or assaulting the dog or has, in the past, been observed or reported to have tormented, abused or assaulted the dog, or was committing or attempting to commit a crime.
- (c) LOCAL ORDINANCES.-- *Those provisions of local ordinances relating to dangerous dogs are hereby abrogated. A local ordinance otherwise dealing with dogs may not prohibit or otherwise limit a specific breed of dog.*
- (d) INSURANCE COVERAGE DISCRIMINATION.-- No liability policy or surety bond issued pursuant to this act or any other act may prohibit coverage from any specific breed of dog.
- (e) FARM DOGS.-- No farmer who owns a dog kept on the farm shall be guilty of keeping a dangerous dog if:
 - (1) the dog does not leave the farm property to attack; and
 - (2) the farm is conspicuously posted alerting visitors to the presence of a watch or guard dog at all points of ingress and egress.
- (f) PROCEDURE IN CERTAIN CITIES.-- In cities of the first class, second class and second class A, the following procedure shall apply:
 - (1) A person who has been attacked by a dog, or anyone on behalf of such person, or a person whose domestic animal, dog or cat has been killed or injured without provocation while the attacking dog was off the owner's property or a police officer or an animal control officer by or under contract with the city may make a complaint before a magisterial district judge, charging the owner or keeper of such a dog with harboring a dangerous dog. The magisterial district judge shall make a report of the determination under section 502-A(a) to the police or an animal control officer employed by or under contract with the city and to the Bureau of Dog Law Enforcement. The Bureau of Dog Law Enforcement shall give notice of this determination to the respective city treasurer.
 - (2) All fees and fines shall be paid to and retained by the city treasurers, who shall issue the certificate of registration.
 - (3) Enforcement of this article in these cities will be under the jurisdiction of the local police or an animal control officer employed by or under contract with the city with notification requirements in section 503-A(d)(2) to be made to the licensing authority and the local police or an animal control officer employed by or under contract with the city.

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- (4) Copies of all dangerous dog determinations, certificates and reports on the status of the dangerous dog shall be sent to the Bureau of Dog Law Enforcement.
- (5) All known incidents of dog attacks shall be reported to the department for the purpose of keeping bite statistic records and possible rabies exposure.