

States' Animal Cruelty Statutes: Pennsylvania

Current through 2020 Regular Session Act 95.

§ 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).¹

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

“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.

§ 3703. Appointment required

It shall be unlawful for any individual to hold himself forth as a humane society police officer unless the individual has obtained an appointment pursuant to this chapter.

§ 3704. Appointment by nonprofit corporations

(a) Application for appointment. --A society or association may apply to the court of common pleas in any county for the appointment of an individual as a humane society police officer for that county by providing proof of qualification under section 3705 (relating to qualifications for appointment) to the court of common pleas and to the district attorney. The court, upon reviewing the application and considering the recommendation, if any, of the district attorney, may by order appoint such person to be a humane society police officer.

(a.1) Notice to department. --Upon action by the court of common pleas to order an appointment, the clerk of courts of the county shall forward such information to the department for the purpose of the Statewide registry established under section 3714 (relating to Statewide registry).

(b) Oath. --Every individual appointed as a humane society police officer pursuant to this chapter shall, before entering upon the duties of the office, take and subscribe to the oath required by Article VI of the Constitution of Pennsylvania.

§ 3705. Qualifications for appointment

In order for an individual to be considered for appointment as a humane society police officer, the society or association must submit proof satisfactory to the court of common pleas and the district attorney in each county for which the society or association directs the individual to act as a humane society police officer that the individual:

- (1) Has been a resident of this Commonwealth for the previous 12 months.
- (2) Has successfully completed the training program established pursuant to section 3712 (relating to training program).
- (3) Has obtained a criminal history report from the Pennsylvania State Police pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal history record information) or a statement from the Pennsylvania State Police that the Pennsylvania State Police central repository contains no pertinent information relating to the individual who is the subject of the application. The criminal history record information shall be limited to that which may be disseminated pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to general regulations).
- (4) Has not been convicted of an offense graded a felony or a serious misdemeanor.
- (5) Has not been convicted of any violation, including a summary offense, of 18 Pa.C.S. Ch. 55 Subch. B (relating to cruelty to animals).¹
- (6) Has not been convicted of an offense in another jurisdiction, state, territory or country in accordance with the laws of that jurisdiction, state, territory or country equivalent to an offense graded a felony or a serious misdemeanor or an offense of cruelty to animals.

(7) Has not had an appointment as a humane society police officer revoked for cause in another county or another state.

§ 3706. Suspension, revocation, limitation and restriction of appointment; restoration of appointment

(a) Grounds for suspension, revocation, limitation or restriction. --By its own action, on petition by a district attorney or pursuant to a written affidavit filed by a complainant, the court of common pleas may, after conducting a hearing, suspend, revoke, limit or restrict an appointment of an individual to act as a humane society police officer in the county if the court determines any of the following:

(1) Being convicted of a felony or a serious misdemeanor in any Federal or State court or being convicted of the equivalent of a felony in any foreign country, territory or possession.

(2) Being convicted of an offense of cruelty to animals in any Federal or State court or being convicted of the equivalent of a cruelty to animals offense in any foreign country, territory or possession.

(3) Presenting false credentials or documents or making a false or misleading statement in the application for appointment or a certification of completion of additional training or submitting an application for appointment or a certification for completion of additional training containing a false or misleading statement.

(4) Carrying or possessing a firearm in the performance of his or her duties without certification pursuant to section 3711 (relating to limitation on possession of firearms).

(5) The individual has conducted his or her authority to enforce animal cruelty laws in a manner that is substandard of conduct normally expected of humane society police officers.

(6) The individual is not a resident of this Commonwealth.

(7) The individual has had an appointment as a humane society police officer revoked for cause in another county or another state.

(b) Notice to department. --Upon action by the court of common pleas to suspend, revoke, limit or restrict an appointment, the clerk of courts of the county shall forward such information to the department for the purpose of the Statewide registry established pursuant to section 3714 (relating to Statewide registry).

(c) Restoration. --The court of common pleas may restore a suspended appointment of an individual if the individual provides to the court evidence sufficient to warrant restoration and the court determines the grounds for suspension have been satisfactorily corrected and the individual otherwise qualifies for appointment.

§ 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)¹ 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.
- (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.

§ 3709. Penalties

(a) Criminal penalties. --A person who violates this chapter commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of up to \$1,000 or to imprisonment for not more than 90 days, or both.

(b) Civil penalties. --In addition to any criminal penalties or other civil remedy, a person, association or society who violates this chapter may be subject to a civil penalty of up to \$1,000.

§ 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.

§ 3716. Costs

In addition to any fines, fees or other penalties levied or imposed under this chapter or any other statute, a cost of \$50 shall be imposed upon conviction for any violation of 18 Pa.C.S. Ch. 55 Subch. B (relating to cruelty to animals) other than a summary offense. Costs collected under this section shall be disposed of in accordance with section 3717 (relating to disposition of moneys).

§ 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.

“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 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.

§ 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.
- (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.

§ 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.

§ 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.

§ 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:

(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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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 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 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.

§ 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.

§ 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.

§ 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.

§ 5546. Skinning of and selling or buying pelts of dogs and cats

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

§ 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 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 5557. Civil immunity for humane society police officers

(a) General rule. --A humane society police officer acting in good faith and within the scope of the authority provided under this subchapter shall not be liable for civil damages as a result of an act or omission in the course of an investigation or enforcement action.

(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.

§ 5558. Representation of humane society by attorney

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

§ 5559. Construction of subchapter

The provisions of this subchapter shall not supersede the act of December 7, 1982 (P.L. 784, No. 225),¹ known as the Dog Law.

§ 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.

§ 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.