

AMENDMENTS TO HOUSE BILL NO. 1216

Sponsor: SENATOR TOMLINSON

Printer's No. 3608

1 Amend Bill, page 1, line 4, by inserting after "FOR"

2 definitions, for

3 Amend Bill, page 1, line 4, by inserting after "ANIMAL"

4 and for the offense of attack of guide dog; in trade and
5 commerce, further providing for the offense of discrimination
6 on account of guide, signal or service dog or other aid
7 animal

8 Amend Bill, page 1, lines 10 through 12, by striking out all
9 of said lines and inserting

10 Section 1. Section 5531 of Title 18 of the Pennsylvania
11 Consolidated Statutes is amended by adding a definition to read:
12 § 5531. Definitions.

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

16 * * *

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

21 * * *

22 Section 2. Sections 5532(a) and 5535 of Title 18, added June
23 28, 2017 (P.L.215, No.10), are amended to read:

24 Amend Bill, page 2, line 8, by striking out all of said line
25 and inserting

26 § 5535. Attack of [guide] service, guide or support dog.

27 (a) Offense defined.--A person commits a misdemeanor of the
28 third degree if the person is the owner of a dog that kills,
29 maims or disfigures a [guide dog of an individual who is blind,
30 a hearing dog of an individual who is deaf or audibly impaired
31 or a service dog of an individual who is physically limited]
32 service, guide or support dog of an individual with a disability
33 without provocation by the [guide, hearing or service] service,

1 guide or support dog or the individual.

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

4 (1) knew or should have known that the dog the person
5 owns had a propensity to attack human beings or domestic
6 animals without provocation[, and the owner]; and

7 (2) knowingly or recklessly failed to restrain the dog
8 or keep the dog in a contained, secure manner.

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

16 (d) Civil penalty and restitution.--

17 (1) A person who is the owner of a dog that kills, maims
18 or disfigures a [guide dog of an individual who is blind, a
19 hearing dog of an individual who is deaf or audibly impaired
20 or a service dog of an individual who is physically limited]
21 service, guide or support dog of an individual with a
22 disability shall be subject to paragraph (2) if both of the
23 following apply:

24 (i) The owner knew the dog had a propensity to
25 attack human beings or domestic animals.

26 (ii) The owner failed to restrain the dog or keep
27 the dog in a contained, secure manner.

28 (2) A court of common pleas may impose any of the
29 following upon a person who is the owner of a dog under
30 paragraph (1):

31 (i) A civil penalty of up to \$15,000.

32 (ii) Reparations for veterinary costs in treating
33 the [guide, hearing or service] service, guide or support
34 dog and, if necessary, the cost of retraining the dog or
35 of obtaining and training a replacement [guide, hearing
36 or service] service, guide or support dog.

37 (iii) Loss of income for the time the individual is
38 unable to work due to the unavailability of the [guide,
39 hearing or service] service, guide or support dog.

40 Section 3. Section 7325 of Title 18 is amended to read:

41 § 7325. Discrimination on account of [guide, signal or service]
42 service, guide or support dog or other aid animal.

43 (a) Offense defined.--A person is guilty of a summary
44 offense if he, being the proprietor, manager or employee of a
45 theatre, hotel, restaurant or other place of public
46 accommodation, entertainment or amusement, refuses, withholds or
47 denies any person, who is using a [guide, signal or service]
48 service, guide or support dog or other aid animal [that has been
49 certified by a recognized authority] to assist [a person,
50 because of the physical disability, blindness or deafness of the
51 user,] an individual with a disability or who is training a

1 [guide, signal or support] service, guide or support dog or
2 other aid animal for [or from a recognized authority for such a
3 user] an individual with a disability, the use of or access to
4 any accommodation, advantage, facility or privilege of such
5 theatre, hotel, restaurant or other place of public
6 entertainment or amusement.

7 (b) Definition.--As used in this section, the term "service,
8 guide or support dog" shall have the same meaning given it under
9 section 5531 (relating to definitions).

10 Section 4. Title 42 is amended by adding a section to read:

11 Amend Bill, page 3, line 7, by striking out "3" and inserting

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