

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1216 Session of 2017

INTRODUCED BY FARRY, D. COSTA, W. KELLER, FREEMAN, MILLARD, READSHAW, CORBIN, McNEILL, DONATUCCI, V. BROWN, DEAN, KAUFFMAN, SOLOMON, BULLOCK, DeLUCA, SCHLOSSBERG, WARD, RYAN, WHEELAND, MASSER, WARREN, HILL-EVANS, GILLEN, DiGIROLAMO, DAVIS, ROZZI, RADER, SAINATO, WATSON AND ELLIS, APRIL 17, 2017

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 28, 2017

AN ACT

1 ~~Amending Title 18 (Crimes and Offenses) of the Pennsylvania~~ <--
2 ~~Consolidated Statutes, in riot, disorderly conduct and~~
3 ~~related offenses, further providing for the offense of~~
4 ~~cruelty to animals.~~

5 AMENDING TITLE 42 (JUDICIARY AND JUDICIAL PROCEDURE) OF THE <--
6 PENNSYLVANIA CONSOLIDATED STATUTES, IN PARTICULAR RIGHTS AND
7 IMMUNITIES, PROVIDING FOR RESCUE FROM MOTOR VEHICLE.

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

10 ~~Section 1. Section 5511 of Title 18 of the Pennsylvania~~ <--
11 ~~Consolidated Statutes is amended by adding a subsection to read:~~
12 ~~§ 5511. Cruelty to animals.~~

13 \* \* \*

14 ~~(h.3) Leaving animal in unattended vehicle.~~

15 ~~(1) A person owes a duty of care to a dog or cat that~~
16 ~~the person leaves confined in an unattended vehicle.~~

17 ~~(2) No police officer, humane society police officer or~~
18 ~~firefighter who enters into an unattended vehicle in order to~~

~~rescue a dog or cat, nor the employer of any such person,  
shall be liable for any damage caused by the rescue, provided  
that the person:~~

~~(i) Prior to entry, makes a reasonable effort to  
locate the person who owes a duty of care to the animal.~~

~~(ii) Acts under a reasonable belief that the animal  
is in severe physical distress.~~

~~(iii) Takes reasonable steps to ensure or restore  
the well being of the animal.~~

~~(iv) Leaves a note on or in the vehicle stating the  
names of the person and the person's employer, a  
telephone number and the location where the animal may be  
retrieved.~~

~~(3) The immunity provided in paragraph (2) shall apply  
regardless of whether the person is charged with or found  
guilty of committing an offense under this section.~~

~~\* \* \*~~

~~Section 2. This act shall take effect in 60 days.~~

SECTION 1. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ: <--

§ 8340.3. RESCUE FROM MOTOR VEHICLE.

(A) (RESERVED).

(B) RESCUE OF ANIMAL.--NO LAW ENFORCEMENT 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 AN ANIMAL, IF THE LAW  
ENFORCEMENT OFFICER, HUMANE SOCIETY POLICE OFFICER OR EMERGENCY  
RESPONDER:

(1) HAS A GOOD-FAITH, REASONABLE BELIEF THAT THE ANIMAL

1 IS IN IMMINENT DANGER OF SUFFERING HARM IF NOT IMMEDIATELY  
2 REMOVED FROM THE MOTOR VEHICLE.

3 (2) MAKES A REASONABLE EFFORT TO LOCATE THE DRIVER OF  
4 THE MOTOR VEHICLE PRIOR TO ENTRY.

5 (3) TAKES REASONABLE STEPS TO ENSURE OR RESTORE THE  
6 WELL-BEING OF THE ANIMAL.

7 (4) USES NO MORE FORCE THAN NECESSARY UNDER THE  
8 CIRCUMSTANCES TO ENTER THE MOTOR VEHICLE.

9 (5) LEAVES NOTICE ON OR IN THE MOTOR VEHICLE STATING THE  
10 REASON ENTRY WAS MADE, THE NAME OF THE PERSON AND OF THE  
11 PERSON'S EMPLOYER, A TELEPHONE NUMBER AND, IF POSSIBLE, THE  
12 LOCATION WHERE THE ANIMAL MAY BE RETRIEVED.

13 (C) LIMITATION.--A PERSON SHALL NOT BE IMMUNE FROM CIVIL  
14 LIABILITY FOR DAMAGE RESULTING FROM THE ENTRY IF THE PERSON'S  
15 ACTIONS CONSTITUTE GROSS NEGLIGENCE, RECKLESSNESS OR WILLFUL OR  
16 WANTON MISCONDUCT.

17 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.