

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, ELLIS, ROE, NEILSON,  
KORTZ, BARBIN, DEASY, RAVENSTAHL, DALEY, MADDEN, CHARLTON,  
KRUEGER-BRANEKY AND SANTORA, APRIL 17, 2017

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 16, 2018

AN ACT

1 Amending ~~Title~~ TITLES 18 (CRIMES AND OFFENSES) AND 42 (Judiciary <--  
2 and Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, IN RIOT, DISORDERLY CONDUCT AND RELATED OFFENSES, <--  
4 FURTHER PROVIDING FOR DEFINITIONS, FOR THE OFFENSE OF NEGLECT <--  
5 OF ANIMAL AND FOR THE OFFENSE OF ATTACK OF GUIDE DOG AND <--  
6 PROVIDING FOR THE OFFENSE OF ATTACK ON ANIMAL BELONGING TO  
7 CERTAIN PROTECTED PERSONS; IN TRADE AND COMMERCE, FURTHER  
8 PROVIDING FOR THE OFFENSE OF DISCRIMINATION ON ACCOUNT OF  
9 GUIDE, SIGNAL OR SERVICE DOG OR OTHER AID ANIMAL; AND, in  
10 particular rights and immunities, providing for rescue from  
11 motor vehicle.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 ~~Section 1. Title 42 is amended by adding a section to read: <--~~  
15 ~~SECTION 1. SECTION 5532(A) OF TITLE 18 OF THE PENNSYLVANIA <--~~  
16 ~~CONSOLIDATED STATUTES, ADDED JUNE 28, 2017 (P.L.215, NO.10), IS~~  
17 ~~AMENDED TO READ:~~

18 SECTION 1. SECTION 5531 OF TITLE 18 OF THE PENNSYLVANIA <--  
19 CONSOLIDATED STATUTES IS AMENDED BY ADDING A DEFINITION TO READ:

1 § 5531. DEFINITIONS.

2 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER  
3 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
4 CONTEXT CLEARLY INDICATES OTHERWISE:

5 \* \* \*

6 "SERVICE, GUIDE OR SUPPORT DOG." A DOG THAT IS TRAINED OR IS  
7 BEING TRAINED TO WORK OR PERFORM TASKS FOR THE BENEFIT OF AN  
8 INDIVIDUAL WITH A DISABILITY CONSISTENT WITH FEDERAL AND STATE  
9 LAW RELATED TO SERVICE ANIMALS.

10 \* \* \*

11 SECTION 2. SECTIONS 5532(A) AND 5535 OF TITLE 18, ADDED JUNE  
12 28, 2017 (P.L.215, NO.10), ARE AMENDED TO READ:

13 § 5532. NEGLECT OF ANIMAL.

14 (A) OFFENSE DEFINED.--A PERSON COMMITS AN OFFENSE IF THE  
15 PERSON FAILS TO PROVIDE [ANY OF THE FOLLOWING] FOR THE BASIC  
16 NEEDS OF EACH ANIMAL TO WHICH THE PERSON HAS A DUTY OF CARE,  
17 WHETHER BELONGING TO HIMSELF OR OTHERWISE, INCLUDING ANY OF THE  
18 FOLLOWING:

19 (1) NECESSARY SUSTENANCE AND POTABLE WATER.

20 (2) ACCESS TO CLEAN AND SANITARY SHELTER AND PROTECTION  
21 FROM THE WEATHER. THE SHELTER MUST BE SUFFICIENT TO PERMIT  
22 THE ANIMAL TO RETAIN BODY HEAT AND KEEP THE ANIMAL DRY.

23 (3) NECESSARY VETERINARY CARE.

24 \* \* \*

25 ~~SECTION 2. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ: <--~~

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

1 OR A SERVICE DOG OF AN INDIVIDUAL WHO IS PHYSICALLY LIMITED]  
2 SERVICE, GUIDE OR SUPPORT DOG OF AN INDIVIDUAL WITH A DISABILITY  
3 WITHOUT PROVOCATION BY THE [GUIDE, HEARING OR SERVICE] SERVICE,  
4 GUIDE OR SUPPORT DOG OR THE INDIVIDUAL.

5 (B) CULPABILITY.--A PERSON COMMITS AN OFFENSE UNDER THIS  
6 SECTION ONLY IF THE PERSON:

7 (1) KNEW OR SHOULD HAVE KNOWN THAT THE DOG THE PERSON  
8 OWNS HAD A PROPENSITY TO ATTACK HUMAN BEINGS OR DOMESTIC  
9 ANIMALS WITHOUT PROVOCATION[, AND THE OWNER]; AND

10 (2) KNOWINGLY OR RECKLESSLY FAILED TO RESTRAIN THE DOG  
11 OR KEEP THE DOG IN A CONTAINED, SECURE MANNER.

12 (C) PENALTY.--A PERSON CONVICTED OF VIOLATING THIS SECTION  
13 SHALL BE SENTENCED TO PAY A FINE OF NOT MORE THAN \$5,000 AND  
14 SHALL BE ORDERED TO MAKE REPARATIONS FOR VETERINARY COSTS IN  
15 TREATING THE [GUIDE, HEARING OR SERVICE] SERVICE, GUIDE OR  
16 SUPPORT DOG AND, IF NECESSARY, THE COST OF OBTAINING AND  
17 TRAINING A REPLACEMENT [GUIDE, HEARING OR SERVICE] SERVICE,  
18 GUIDE OR SUPPORT DOG.

19 (D) CIVIL PENALTY AND RESTITUTION.--

20 (1) A PERSON WHO IS THE OWNER OF A DOG THAT KILLS, MAIMS  
21 OR DISFIGURES A [GUIDE DOG OF AN INDIVIDUAL WHO IS BLIND, A  
22 HEARING DOG OF AN INDIVIDUAL WHO IS DEAF OR AUDIBLY IMPAIRED  
23 OR A SERVICE DOG OF AN INDIVIDUAL WHO IS PHYSICALLY LIMITED]  
24 SERVICE, GUIDE OR SUPPORT DOG OF AN INDIVIDUAL WITH A  
25 DISABILITY SHALL BE SUBJECT TO PARAGRAPH (2) IF BOTH OF THE  
26 FOLLOWING APPLY:

27 (I) THE OWNER KNEW THE DOG HAD A PROPENSITY TO  
28 ATTACK HUMAN BEINGS OR DOMESTIC ANIMALS.

29 (II) THE OWNER FAILED TO RESTRAIN THE DOG OR KEEP  
30 THE DOG IN A CONTAINED, SECURE MANNER.

1 (2) A COURT OF COMMON PLEAS MAY IMPOSE ANY OF THE  
2 FOLLOWING UPON A PERSON WHO IS THE OWNER OF A DOG UNDER  
3 PARAGRAPH (1):

4 (I) A CIVIL PENALTY OF UP TO \$15,000.

5 (II) REPARATIONS FOR VETERINARY COSTS IN TREATING  
6 THE [GUIDE, HEARING OR SERVICE] SERVICE, GUIDE OR SUPPORT  
7 DOG AND, IF NECESSARY, THE COST OF RETRAINING THE DOG OR  
8 OF OBTAINING AND TRAINING A REPLACEMENT [GUIDE, HEARING  
9 OR SERVICE] SERVICE, GUIDE OR SUPPORT DOG.

10 (III) LOSS OF INCOME FOR THE TIME THE INDIVIDUAL IS  
11 UNABLE TO WORK DUE TO THE UNAVAILABILITY OF THE [GUIDE,  
12 HEARING OR SERVICE] SERVICE, GUIDE OR SUPPORT DOG.

13 SECTION 3. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ: <--  
14 § 5535.1. ATTACK ON ANIMAL BELONGING TO CERTAIN PROTECTED  
15 PERSONS.

16 (A) OFFENSE DEFINED.--A PERSON COMMITS AN OFFENSE IF ALL OF  
17 THE FOLLOWING APPLY:

18 (1) THE PERSON INTENTIONALLY, KNOWINGLY OR RECKLESSLY  
19 KILLS, MAIMS, DISFIGURES, TORTURES OR ADMINISTERS POISON OR  
20 EXPOSES A POISONOUS SUBSTANCE WITH INTENT TO ADMINISTER THE  
21 POISON OR POISONOUS SUBSTANCE TO ANY OF THE FOLLOWING THAT IS  
22 OWNED BY OR RESIDES WITH A PERSON PROTECTED BY AN ORDER  
23 ISSUED UNDER 23 PA.C.S. CH. 61 (RELATING TO PROTECTION FROM  
24 ABUSE) OR 42 PA.C.S. CH. 62A (RELATING TO PROTECTION OF  
25 VICTIMS OF SEXUAL VIOLENCE OR INTIMIDATION):

26 (I) A DOG OR CAT.

27 (II) A GUIDE DOG FOR AN INDIVIDUAL WHO IS BLIND.

28 (III) A HEARING DOG FOR AN INDIVIDUAL WHO IS DEAF OR  
29 AUDIBLY IMPAIRED.

30 (IV) A SERVICE DOG FOR AN INDIVIDUAL WHO IS

1           PHYSICALLY LIMITED.

2           (2) THE PERSON COMMITTING THE VIOLATION UNDER PARAGRAPH  
3           (1) IS THE SUBJECT OF THE ORDER REFERENCED UNDER PARAGRAPH  
4           (1).

5           (B) GRADING.--A VIOLATION OF THIS SECTION IS A FELONY OF THE  
6           THIRD DEGREE.

7           SECTION 3 4. SECTION 7325 OF TITLE 18 IS AMENDED TO READ:     <--

8           § 7325. DISCRIMINATION ON ACCOUNT OF [GUIDE, SIGNAL OR SERVICE]  
9                   SERVICE, GUIDE OR SUPPORT DOG OR OTHER AID ANIMAL.

10          (A) OFFENSE DEFINED.--A PERSON IS GUILTY OF A SUMMARY  
11          OFFENSE IF HE, BEING THE PROPRIETOR, MANAGER OR EMPLOYEE OF A  
12          THEATRE, HOTEL, RESTAURANT OR OTHER PLACE OF PUBLIC  
13          ACCOMMODATION, ENTERTAINMENT OR AMUSEMENT, REFUSES, WITHHOLDS OR  
14          DENIES ANY PERSON, WHO IS USING A [GUIDE, SIGNAL OR SERVICE]  
15          SERVICE, GUIDE OR SUPPORT DOG OR OTHER AID ANIMAL [THAT HAS BEEN  
16          CERTIFIED BY A RECOGNIZED AUTHORITY] TO ASSIST [A PERSON,  
17          BECAUSE OF THE PHYSICAL DISABILITY, BLINDNESS OR DEAFNESS OF THE  
18          USER,] AN INDIVIDUAL WITH A DISABILITY OR WHO IS TRAINING A  
19          [GUIDE, SIGNAL OR SUPPORT] SERVICE, GUIDE OR SUPPORT DOG OR  
20          OTHER AID ANIMAL FOR [OR FROM A RECOGNIZED AUTHORITY FOR SUCH A  
21          USER] AN INDIVIDUAL WITH A DISABILITY, THE USE OF OR ACCESS TO  
22          ANY ACCOMMODATION, ADVANTAGE, FACILITY OR PRIVILEGE OF SUCH  
23          THEATRE, HOTEL, RESTAURANT OR OTHER PLACE OF PUBLIC  
24          ENTERTAINMENT OR AMUSEMENT.

25          (B) DEFINITION.--AS USED IN THIS SECTION, THE TERM "SERVICE,  
26          GUIDE OR SUPPORT DOG" SHALL HAVE THE SAME MEANING GIVEN IT UNDER  
27          SECTION 5531 (RELATING TO DEFINITIONS).

28          SECTION 4 5. TITLE 42 IS AMENDED BY ADDING A SECTION TO     <--

29          READ:

30          § 8340.3. Rescue from motor vehicle.

1 (a) (Reserved).

2 (b) Rescue of dog or cat.--No law enforcement officer,

3 animal control officer, humane society police officer or

4 emergency responder, or the employer of a law enforcement

5 officer, humane society police officer or emergency responder,

6 shall be liable for damage to a motor vehicle or the contents

7 thereof caused by entry into the motor vehicle for the purpose

8 of removing a dog or cat, if the law enforcement officer, humane

9 society police officer or emergency responder DOES ALL OF THE <--

10 FOLLOWING:

11 (1) Has a good-faith, reasonable belief that the dog or

12 cat is in imminent danger of suffering harm if not

13 immediately removed from the motor vehicle.

14 (2) Makes a reasonable effort to locate the driver of

15 the motor vehicle prior to entry.

16 (3) Takes reasonable steps to ensure or restore the

17 well-being of the dog or cat.

18 (4) Uses no more force than necessary under the

19 circumstances to enter the motor vehicle.

20 (5) Leaves notice on or in the motor vehicle stating the

21 reason entry was made, the name of the person and of the

22 person's employer, a telephone number and, if possible, the

23 location where the dog or cat may be retrieved.

24 (c) Limitation.--A person shall not be immune from civil

25 liability for damage resulting from the entry if the person's

26 actions constitute gross negligence, recklessness or willful or

27 wanton misconduct.

28 Section 2 3 5 6. This act shall take effect in 60 days. <--