

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, 2017. 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. Within the first thirteen of these categories, the relevant part of each statute is italicized. Category 14 provides a non-italicized version of each of the previously referenced statutes, in numerical order. The penalties and related provisions for categories 12 and 13 are generally located within each of those respective sections.

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.

PENNSYLVANIA

1. <u>GENERAL PROHIBITIONS</u> *	<p>(1) Neglect of animal 18 PA. CONS. STAT. ANN. § 5532</p> <p>(2) Cruelty to animal 18 PA. CONS. STAT. ANN. § 5533</p> <p>(3) Aggravated cruelty to animal 18 PA. CONS. STAT. ANN. § 5534</p> <p>(4) Attack of guide dog 18 PA. CONS. STAT. ANN. § 5535</p> <p>(5) Transporting animals in a cruel manner 18 PA. CONS. STAT. ANN. § 5538</p> <p>(6) Transporting equine animals in a cruel manner 18 PA. CONS. STAT. ANN. § 5539</p>
<i>Animals Covered in Definition</i>	<p>“Domestic animal.” A dog, cat, equine animal, bovine animal, sheep, goat or porcine animal. 18 PA. CONS. STAT. ANN. § 5531</p>
<i>Classification of Crimes</i>	<p>(1) Summary offense</p> <p>[If the violation causes bodily injury to the animal or places the animal at imminent risk of serious bodily injury] 3rd degree misdemeanor</p> <p>-----</p> <p>(2) Summary offense</p> <p>[If the violation causes bodily injury to the animal or places the animal at imminent risk of serious bodily injury] 2nd degree misdemeanor</p>

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<p><i>Classification of Crimes</i> Continued</p>	<p>----- (3) 3rd degree felony ----- (4) 3rd degree misdemeanor ----- (5) Summary offense ----- (6) [1st offense]: Summary offense [Subsequent offenses]: 3rd degree misdemeanor</p>
<p>2. <u>MAXIMUM PENALTIES</u> **</p>	<p>(1) 90 days imprisonment <i>and/or</i> \$750 fine 18 PA. CONS. STAT. ANN. § 5550 [If the violation causes bodily injury to the animal or places the animal at imminent risk of serious bodily injury] 1 year imprisonment <i>and/or</i> \$2,500 fine 18 PA. CONS. STAT. ANN. §§ 1101, 1104 (2) 90 days imprisonment <i>and/or</i> \$750 fine 18 PA. CONS. STAT. ANN. § 5550 [If the violation causes bodily injury to the animal or places the animal at imminent risk of serious bodily injury] 2 years imprisonment <i>and/or</i> \$5,000 fine 18 PA. CONS. STAT. ANN. §§ 1101, 1104</p>

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<p>2. MAXIMUM PENALTIES ** <i>continued</i></p>	<p>(3) 7 years imprisonment 18 PA. CONS. STAT. ANN. § 1103 <i>and/or</i> \$15,000 fine 18 PA. CONS. STAT. ANN. § 1101</p> <p>(4) 1 year imprisonment <i>and/or</i> \$2,500 fine 18 PA. CONS. STAT. ANN. §§ 1101, 1104</p> <p>(5) 90 days imprisonment <i>and/or</i> \$750 fine 18 PA. CONS. STAT. ANN. § 5550</p> <p>(6) [1st offense]: 90 days imprisonment <i>and/or</i> \$750 fine 18 PA. CONS. STAT. ANN. § 5550</p> <p>[Subsequent offenses]: 1 year imprisonment <i>and</i> \$2,500 fine 18 PA. CONS. STAT. ANN. §§ 1101, 1104</p>
<p>3. <u>EXEMPTIONS</u> ***</p>	<p>1 18 PA. CONS. STAT. ANN. § 5542</p> <p>2 18 PA. CONS. STAT. ANN. § 5553, 5561</p> <p>3, 6, 9 18 PA. CONS. STAT. ANN. § 5561</p>

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3. EXEMPTIONS *** <i>Continued</i>	4 18 PA. CONS. STAT. ANN. §§ 5560
4. <u>COUNSELING / EVALUATIONS</u> ^H	-----
5. <u>PROTECTIVE ORDERS</u> ^H	-----
6. <u>RESTITUTION / REIMBURSEMENT OF COSTS / BONDING & LIENS</u> ^H	<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. CRIMES AND OFFENSES. § 30.2 18 PA. CRIMES AND OFFENSES. § 30.3</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>Court shall order defendant 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>Restitution shall be ordered for convictions when police animal is disabled or killed. 18 PA. CONS. STAT. ANN. § 5548(b),(c)</p>

PENNSYLVANIA *continued*

<p>6. RESTITUTION / REIMBURSEMENT OF COSTS / BONDING & LIENS ^H <i>Continued</i></p>	<p>Restitution shall be ordered for convictions of assaulting animal with biological agent. 18 PA. CONS. STAT. ANN. § 5549</p>
<p>7. <u>SEIZURE / ON-SITE SUPERVISION</u></p>	<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>
<p>8. <u>FORFEITURE / POSSESSION</u> ^H</p>	<p>Court shall order forfeiture of abused and neglected animals after 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>

PENNSYLVANIA *continued*

9. <u>CROSS ENFORCEMENT / REPORTING</u>	-----
10. <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>
11. <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>
12. <u>SEXUAL ASSAULT</u>	<p>A person who engages in any form of sexual intercourse with an animal commits a misdemeanor of the 2nd degree. 18 PA. CONS. STAT. ANN. § 3129</p>
13. <u>FIGHTING</u>	<p>Various animal fighting activities (including spectatorship) are felonies of the 3rd degree. 18 PA. CONS. STAT. ANN. § 5543</p> <p>Owning or possessing animal fighting paraphernalia is a misdemeanor of the third degree. 18 PA. CONS. STAT. ANN. § 5544</p> <p>Court shall order forfeiture of abused and neglected animals after conviction of animal fighting. 18 PA. CONS. STAT. ANN. § 5552</p>

PENNSYLVANIA *continued*

<p><i>Other Felony Provisions Affecting Animals</i> ^I</p>	<p>Maliciously treating a working animal is a third degree felony. 3 PA. CONS. STAT. ANN. § 459-602</p> <p>Maliciously treating a police animal is a second degree felony. 18 PA. CONS. STAT. ANN. § 5548</p> <p>Assaulting an animal with biological agent is a second degree felony. 18 PA. CONS. STAT. ANN. § 5549</p>
<p><i>NOTES</i></p>	<p>No dog in a licensed kennel may be euthanized unless it is determined by a veterinarian that the euthanasia will prevent the dog from suffering caused by a medical condition; euthanasia must be done by a veterinarian. 3 PA. CONS. STAT. ANN. § 459-207</p> <p>A local ordinance otherwise dealing with dogs may not prohibit or limit a specific breed of dog. 3 PA. CONS. STAT. ANN. § 459-507-A</p> <p>Tethering of unattended animal is rebuttable presumption of neglect. 18 PA. CONS. STAT. ANN. § 5536</p> <p>Prohibitions on certain procedures unless undertaken by a veterinarian. 18 PA. CONS. STAT. ANN. § 5542</p> <p>It is lawful for a person to practice veterinary medicine on animals they own. 63 PA. CONS. STAT. ANN. § 485.32(4)</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.

*** Exemptions: 1-veterinary practice, 2-research animals, 3-wildlife, 4-traditional farm animal husbandry practices, 5-slaughter, 6-pest control, 7-rodeo, 8-zoos/circuses, 9-other.

H 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.

I This list is not exhaustive; states may authorize felony penalties for other crimes involving animals not included in this table.

1. GENERAL PROHIBITIONS

18 PA. CONS. STAT. ANN. § 5531 (2017). 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.

“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 (2017). Neglect of animal.

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

- (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.

18 PA. CONS. STAT. ANN. § 5533 (2017). 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 (2017). 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. § 5535 (2017). Attack of guide 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 guide dog of an individual who is blind, a hearing dog of an individual who is deaf or audibly impaired or a service dog of an individual who is physically limited without provocation by the guide, hearing or service dog or the individual.

(b) Culpability.--A person commits an offense under this section only if the person knew or should have known that the dog the person owns had a propensity to attack human beings or domestic animals without provocation, and the owner 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 guide, hearing or service dog and, if necessary, the cost of obtaining and training a replacement guide, hearing or service dog.

(d) Civil penalty and restitution.--

(1) A person who is the owner of a dog that kills, maims or disfigures a guide dog of an individual who is blind, a hearing dog of an individual who is deaf or audibly impaired or a service dog of an individual who is physically limited 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 guide, hearing or service dog and, if necessary, the cost of retraining the dog or of obtaining and training a replacement guide, hearing or service dog.

(iii) Loss of income for the time the individual is unable to work due to the unavailability of the guide, hearing or service dog.

18 PA. CONS. STAT. ANN. § 5538 (2017). 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. § 5539 (2017). 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.

2. PENALTIES

18 PA. CONS. STAT. ANN. § 1101 (2017). 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 (2017). 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 (2017). 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.

18 PA. CONS. STAT. ANN. § 5550 (2017). 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.

3. EXEMPTIONS

18 PA. CONS. STAT. ANN. § 5542 (2017). 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.

18 PA. CONS. STAT. ANN. § 5553 (2017). 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.*

18 PA. CONS. STAT. ANN. § 5560 (2017). 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 (2017). 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), 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.

4. COUNSELING / EVALUATIONS

5. PROTECTIVE ORDERS

6. RESTITUTION / REIMBURSEMENT OF COSTS / BONDING & LIENS

18 PA. CRIMES AND OFFENSES. § 30.2 (2017). 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)1 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.

“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. CRIMES AND OFFENSES. § 30.3 (2017). 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. § 5535 (2017). Attack of guide 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 guide dog of an individual who is blind, a hearing dog of an individual who is deaf or audibly impaired or a service dog of an individual who is physically limited without provocation by the guide, hearing or service dog or the individual.

(b) Culpability.--A person commits an offense under this section only if the person knew or should have known that the dog the person owns had a propensity to attack human beings or domestic animals without provocation, and the owner 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 guide, hearing or service dog and, if necessary, the cost of obtaining and training a replacement guide, hearing or service dog.

(d) Civil penalty and restitution.--

(1) A person who is the owner of a dog that kills, maims or disfigures a guide dog of an individual who is blind, a hearing dog of an individual who is deaf or audibly impaired or a service dog of an individual who is physically limited 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 guide, hearing or service dog and, if necessary, the cost of retraining the dog or of obtaining and training a replacement guide, hearing or service dog.*

(iii) *Loss of income for the time the individual is unable to work due to the unavailability of the guide, hearing or service dog.*

18 PA. CONS. STAT. ANN. § 5538 (2017). 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 (2017). 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 (2017). 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.

18 PA. CONS. STAT. ANN. § 5548 (2017). 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 (2017) 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.

7. SEIZURE / ON-SITE SUPERVISION

18 PA. CONS. STAT. ANN. § 5538 (2017). 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 (2017). 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), 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 (2017). 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.

22 PA. CONS. STAT. ANN. § 3710 (2017). Search warrants.

Notwithstanding contrary provisions of 18 Pa.C.S. Ch. 55 Subch. B (relating to cruelty to animals)1 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.

8. FORFEITURE / POSSESSION

18 PA. CONS. STAT. ANN. § 5552 (2017). 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 (2017). 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.

18 PA. CONS. STAT. ANN. § 5555 (2017). 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.

9. CROSS ENFORCEMENT / REPORTING

10. VETERINARIAN REPORTING / IMMUNITY

18 PA. CONS. STAT. ANN. § 5556 (2017). 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.

11. LAW ENFORCEMENT POLICIES

18 PA. CONS. STAT. ANN. § 5551 (2017). 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 (2017). 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.

22 PA. CONS. STAT. ANN. § 3708 (2017). 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.

22 PA. CONS. STAT. ANN. § 3711 (2017). 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.

12. SEXUAL ASSAULT

18 PA. CONS. STAT. ANN. § 3129 (2017). Sexual intercourse with animal.

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

13. FIGHTING

18 PA. CONS. STAT. ANN. § 5543 (2017). 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 (2017). 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.

18 PA. CONS. STAT. ANN. § 5552 (2017). 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), 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.

14. REFERENCED STATUTES

3 PA. CONS. STAT. ANN. § 459-507-A (2017). 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.

(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.

3 PA. CONS. STAT. ANN. § 459-602 (2017). 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.

18 PA. CRIMES AND OFFENSES. § 30.2 (2017). 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)1 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.

“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. CRIMES AND OFFENSES. § 30.3 (2017). 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. § 1101 (2017). 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 (2017). 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 (2017). 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.

18 PA. CONS. STAT. ANN. § 3129 (2017). Sexual intercourse with animal.

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

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.

“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 (2017). Neglect of animal.

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

(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.

18 PA. CONS. STAT. ANN. § 5533 (2017). 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 (2017). 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. § 5535 (2017). Attack of guide 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 guide dog of an individual who is blind, a hearing dog of an individual who is deaf or audibly impaired or a service dog of an individual who is physically limited without provocation by the guide, hearing or service dog or the individual.

(b) Culpability.--A person commits an offense under this section only if the person knew or should have known that the dog the person owns had a propensity to attack human beings or domestic animals without provocation, and the owner 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 guide, hearing or service dog and, if necessary, the cost of obtaining and training a replacement guide, hearing or service dog.

(d) Civil penalty and restitution.--

(1) A person who is the owner of a dog that kills, maims or disfigures a guide dog of an individual who is blind, a hearing dog of an individual who is deaf or audibly impaired or a service dog of an individual who is physically limited 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 guide, hearing or service dog and, if necessary, the cost of retraining the dog or of obtaining and training a replacement guide, hearing or service dog.
- (iii) Loss of income for the time the individual is unable to work due to the unavailability of the guide, hearing or service dog.

18 PA. CONS. STAT. ANN. § 5536 (2017). Tethering of unattended animal.

(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. § 5542 (2017). 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.

18 PA. CONS. STAT. ANN. § 5548 (2017). 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 (2017). 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.

18 PA. CONS. STAT. ANN. § 5552 (2017). 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 (2017). 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.

18 PA. CONS. STAT. ANN. § 5554 (2017). 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.

18 PA. CONS. STAT. ANN. § 5555 (2017). 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.

18 PA. CONS. STAT. ANN. § 5556 (2017). 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.

18 PA. CONS. STAT. ANN. § 5560 (2017). 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 (2017). 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.

22 PA. CONS. STAT. ANN. § 3702 (2017). 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.

22 PA. CONS. STAT. ANN. § 3708 (2017). 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.

22 PA. CONS. STAT. ANN. § 3710 (2017). Search warrants.

Notwithstanding contrary provisions of 18 Pa.C.S. Ch. 55 Subch. B (relating to cruelty to animals)¹ 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.

22 PA. CONS. STAT. ANN. § 3711 (2017). 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.

2014 Pa. ALS 50 (2017). Costs of Care of Seized Animals Act.

Section 1. Short title.

This act shall be known and may be cited as the Costs of Care of Seized Animals Act.

Section 2. Definitions.

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. Section 5511 (relating to cruelty to animals).

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

“Owner.” In relation to an animal seized under 18 Pa.C.S. Section 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. Section 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.

“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.

Section 3. Petition for reasonable costs of care.

(a) Filing.-- If animals are seized under 18 Pa.C.S. Section 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. Section 5511.

Section 4. Service of petition.

(a) Defendant.-- Not later than seven days after filing a petition under section 3, 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.

Section 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
 - (3) if the owner is required to be served under section (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), 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.

Section 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 10 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. Section 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.

Section 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. Section 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. Section 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. Section 5511 results in any conviction and, if all costs ordered to be paid under section 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.

Section 8. Examination.

Notwithstanding any other rights under 18 Pa.C.S. Section 5511 (relating to cruelty to animals) and not later than the commencement of the hearing under section 5, the defendant or owner of the animal shall have one opportunity to examine the seized animal for the purposes of preserving evidence. The examination shall be completed in the presence of a law enforcement officer.

Section 9. Immunity.

A petitioner shall be immune from civil liability for damages alleged by a defendant or owner concerning the care provided by the petitioner, except for intentional misconduct or gross negligence resulting in the death of an animal.

Section 10. Applicability.

(a) Normal agricultural operation.-- Nothing in this act shall apply to animals used for activities undertaken in a normal agricultural operation.

(b) Indigency.--

(1) In a case under 18 Pa.C.S. Section 5511 (relating to cruelty to animals) in which only one animal was seized from the defendant and the defendant is able to prove indigency and the inability to pay the reasonable costs of care assessed under this act by the court for that animal, the court in its discretion may waive the requirement for the defendant to pay the costs of care for that animal.

(2) A defendant seeking a waiver under this subsection must submit an affidavit in the form provided for in Rule 240(h) of the Pennsylvania Rules of Civil Procedure.