

No. 1994-24

## AN ACT

HB 1420

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for cruelty to animals; and prohibiting the offering of live animals as prizes.

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

Section 1. Section 5511(j) of Title 18 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a subsection to read:

§ 5511. Cruelty to animals.

\* \* \*

(j) Seizure of animals kept or used for animal fighting.—Any 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 any animal kept, used, or intended to be used for animal fighting. When the seizure is made, the animal or animals so seized shall not be deemed absolutely forfeited, but shall be held by the officer or agent seizing the same until a conviction of some person is first obtained for a violation of subsection (h.1). The officer or agent making such seizure shall make due return to the **[justice of the peace before whom the complaint is heard] issuing authority**, of the number and kind of animals or creatures so seized by him**[, and it shall be the duty of the justice of the peace hearing the complaint, in case of a conviction, to make the forfeiture of such animals or creatures seized a part of the sentence]**. Where an animal is thus seized, the police officer or agent is authorized to provide such care as is reasonably necessary, and where any animal thus 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 thereof.]** In addition to any other penalty provided by law, the authority imposing sentence upon a conviction for any violation of subsection (h.1) shall ***order the forfeiture or surrender of any abused, neglected or deprived animal of the defendant to any 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.

\* \* \*

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

*\* \* \**

Section 2. Title 18 is amended by adding a section to read:

**§ 5511.1. Live animals as prizes prohibited.**

*(a) General rule.—No person shall give or offer to give away any live animal, except fish, as a prize in any drawing, lottery, contest, sweepstakes or other game.*

*(b) Exception.—*

*(1) This section shall not apply to any domestic animal given away in connection with any agricultural, educational or vocational program sponsored or sanctioned by the Department of Agriculture.*

*(2) The Department of Agriculture shall promulgate the rules and regulations necessary to provide the conditions and requirements of live animal offerings under this subsection.*

*(c) Construction of section.—The provisions of this section shall not supersede the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law.*

*(d) Penalty.—A violation of this section constitutes a summary offense punishable by a fine of not more than \$250.*

Section 3. This act shall take effect in 60 days.

APPROVED—The 29th day of April, A.D. 1994.

ROBERT P. CASEY