

No. 2004-236

AN ACT

HB 709

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for cruelty to animals.

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

Section 1. Section 5511(c) 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.

(c) Cruelty to animals.—

(1) A person commits [a summary] *an* offense if he wantonly or cruelly illtreats, overloads, beats, otherwise abuses any animal, or neglects any animal as to which he has a duty of care, whether belonging to himself or otherwise, or abandons any animal, or deprives any animal of necessary sustenance, drink, shelter or veterinary care, or access to clean and sanitary shelter which will protect the animal against inclement weather and preserve the animal’s body heat and keep it dry.

(2) (i) *Except as provided in subparagraph (ii), a person convicted of violating paragraph (1) commits a summary offense.*

(ii) *A person convicted for a second or subsequent time of violating paragraph (1) commits a misdemeanor of the third degree if all of the following occurred:*

(A) *The action or omission for which the person was convicted for a subsequent time was performed on a dog or cat.*

(B) *The dog or cat was seriously injured, suffered severe physical distress or was placed at imminent risk of serious physical harm as the result of the person’s action or omission.*

(3) This subsection shall not apply to activity undertaken in normal agricultural operation.

(m.2) *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 any violation of this section 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.*

Section 2. This act shall take effect immediately.

APPROVED—The 8th day of December, A.D. 2004.

EDWARD G. RENDELL