

No. 2015-24

AN ACT

HB 164

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

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, subsection (q) is amended by adding a definition and the section is amended by adding a subsection to read:

§ 5511. Cruelty to animals.

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(h.2) Possession of animal fighting paraphernalia.—In addition to any other penalty provided by law, a person commits a misdemeanor of the third degree if he knowingly owns or possesses animal fighting paraphernalia.

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(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) ***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 such seizure shall make due return to the issuing authority, of the number and kind of animals or creatures so seized by him. 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. 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.

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(q) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

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"Animal fighting paraphernalia." Any 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 statements by an owner or by anyone in control of the object concerning its use, any prior convictions under Federal or State law relating to animal fighting, the proximity of the object in time and space to the direct violation of this section, direct or circumstantial evidence of the intent of the accused to deliver the object to persons whom he or she knows or should reasonably know intends to use the object to facilitate a violation of this section, oral or written instructions provided with or in the vicinity of the object concerning its use, descriptive materials accompanying the object which explain or depict its use and all other logically relevant factors.

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

APPROVED—The 10th day of July, A.D. 2015

TOM WOLF