

Cruelty to Animals

§ 5532. 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.

§ 5533. 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.

§ 5534. 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.

§ 5535. 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.

§ 5536. Tethering of unattended dog.

(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:

(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.

§ 5537. Selling or using disabled horse.

A person commits a summary offense if the person offers for sale or sells a horse, which by reason of debility, disease or lameness, or for other cause, could not be worked or used without violating the laws against cruelty to animals, or leads, rides, drives or transports any such horse for any purpose, except that of conveying the horse to the nearest available appropriate facility for humane keeping or destruction or for medical or surgical treatment.

§ 5538. 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.

§ 5539. 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.

§ 5540. Hours of labor of animals.

(a) Offense defined.--A person commits a summary offense if the person leads, drives, rides or works or causes or permits another person to lead, drive, ride or work a horse, mule, ox or other animal, whether belonging to the person or in the person's possession or control, for more than 15 hours in a 24-hour period or more than 90 hours in one week.

(b) Construction.--Nothing in this section shall be construed to warrant a person leading, driving, riding or walking an animal for a period less than 15 hours, when doing so shall in any way violate the laws against cruelty to animals.

§ 5541. Cruelty to cow to enhance appearance of udder.

A person commits a summary offense if the person kneads or beats or pads the udder of a cow, or willfully allows it to go un milked for a period of 24 hours or more, for the purpose of enhancing the appearance or size of the udder of the cow, or by a muzzle or any other device, prevents the cow's calf, if less than six weeks old, from obtaining nourishment, and thereby relieving the udder of the cow, for a period of 24 hours.

§ 5542. 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 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 there from 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 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 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.

§ 5543. 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.

§ 5544. 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.

§ 5545. Killing homing pigeons.

A person commits a summary offense if the person shoots, maims or kills an antwerp or homing pigeon, either while on flight or at rest, or detains or entraps a pigeon which carries the name of the pigeon's owner.

§ 5546. Skinning of and selling or buying pelts of dogs and cats.

A person commits a summary offense if the person skins a dog or cat or offers for sale or exchange or offers to buy or exchange the pelt or pelts of a dog or cat.

§ 5547. Live animals as prizes prohibited.

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

sell a live animal, except fish, in conjunction with the operation of a drawing, lottery, contest, sweepstakes or other game.

(b) Regulating certain actions concerning fowl or rabbits.--

No person shall sell, offer for sale, barter or give away baby chickens, ducklings or other fowl under one month of age or rabbits under two months of age as pets, toys, premiums or novelties or color, dye, stain or otherwise change the natural color of baby chickens, ducklings or other fowl or rabbits. This subsection shall not be construed to prohibit the sale or display of baby chickens, ducklings or other fowl or rabbits in proper facilities by persons engaged in the business of selling them for purposes of commercial breeding and raising.

(c) Exception.--

(1) This section shall not apply to a domestic animal given away or sold in connection with an 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.

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

§ 5548. 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.

§ 5549. 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.