

COMMITTEE AMENDMENT ANALYSIS

Bill: House Bill 82

Printer's No.: 60

Amendment No.: A01986

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Summary: This amendment makes several revisions to the procedures involved in recovering the reasonable costs of care of a seized animal

The petition will be filed with the court of common pleas instead of the magisterial district court. Because the court of common pleas will be handling these petitions, the amendment expands the time periods involved for service and having a hearing. The clerk of courts is removed from the payment process and the respondent will make the payments directly to the petitioner pursuant to the costs order.

A provision is added that a petitioner may not spay, neuter or otherwise affect the reproductive health care of a seized animal unless the respondent surrenders all rights of ownership of the animal in writing, forfeits the animal, 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.

The amendment adds a provision that under no circumstances may a petitioner be reimbursed for the costs of care for which the respondent provides medical records, signed by a licensed veterinarian, that show that such costs are unnecessary.

In addition, if the related criminal charge for a violation of 18 Pa.C.S. §5511 does not result in a conviction, within 30 days all of the reasonable costs of care paid shall be returned to the person who paid the costs of care of the seized animal.

The civil immunity provision is amended to make clear that it does not apply to intentional misconduct or gross negligence resulting in the death of the animal.

Finally, a provision is added providing for the waiver of the requirement to pay the reasonable costs of care if it only involves one animal and the respondent is able to prove indigency and the inability to pay the costs of care.