

## **COMMITTEE BILL ANALYSIS**

**Bill:** House Bill 164

**Printer's No.:** 1941

**Sponsor:** Rep. Stephens

**Prepared by:** Gregg Warner

**Synopsis:** This bill amends section 5511 of the Crimes Code, Title 18 of the Pennsylvania Consolidated Statutes, relating to cruelty to animals, making it a third degree misdemeanor to knowingly own or possess animal fighting paraphernalia.

**Summary:** New subsection 5511(h.2) provides that in addition to any other penalty provided by law, a person commits a third degree misdemeanor if the person knowingly owns or possesses animal fighting paraphernalia.

### **Definition**

The bill adds a definition of “animal fighting paraphernalia.” The phrase means any device, implement, object, facility, space or drug used, or intended to be used for animal fighting, to train an animal for animal fighting, or in furtherance of animal fighting.

The 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, and the proximity of the object in time and space to the direct violation. The court should consider direct or circumstantial evidence of the intent of the accused to deliver the object to a person whom the person knows or should reasonably know intends to use the object to facilitate a violation, 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.

### **Effective date**

This act takes effect in 60 days.

**Background:** The House of Representatives passed House Bill 164 on June 17, 2013 by a vote of 199 to 0.

Currently, 18 Pa.C.S. §5511(h.1) makes “animal fighting” a felony of the third degree but there is no penalty for possessing animal fighting paraphernalia. The bill makes “possession of animal fighting paraphernalia” a third degree misdemeanor. A third degree misdemeanor is punishable by imprisonment not exceeding one year, a fine not exceeding \$2,500, or both (18 Pa.C.S. §1101 and 1104).

