

## **COMMITTEE BILL ANALYSIS**

**Bill:** House Bill 165

**Printer's No.:** 111

**Sponsor:** Representative J. Evans

**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, to make a person guilty of a misdemeanor of the second degree if the person owns a dog that kills, maims or disfigures a guide dog, a hearing dog or a service dog.

### **Summary:**

#### **Offense defined**

Section 5511 of the Crimes Code is amended to make a person guilty of a misdemeanor of the second degree if the person is the owner or co-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.

#### **Culpability limited**

The bill limits the person's culpability to when the dog attacks without provocation and the person knew or should have known that the dog had a propensity to attack human beings or domestic animals without provocation.

#### **Penalty**

Any person convicted of violating this provision shall be sentenced to pay a fine of not more than \$5,000 and shall be ordered to make reparations for veterinary costs and, if necessary, the cost of obtaining and training a replacement service dog.

#### **Effective date**

This act takes effect in 60 days.

**Background:** The House of Representatives passed House Bill 165 on March 8, 2011 by a vote of 194 to 4.

**Current law**

Section 5511 makes it a second degree misdemeanor if a person “Harasses, annoys, injures, attempts to injure, molests or interferes with a dog guide for an individual who is blind, a hearing dog for an individual who is deaf or audibly impaired or a service dog for an individual who is physically limited.”

A person commits a first degree misdemeanor if the person “Kills, maims, mutilates, tortures or disfigures any dog or cat, whether belonging to himself or otherwise. If a person kills, maims, mutilates, tortures or disfigures a dog guide for an individual who is blind, a hearing dog for an individual who is deaf or audibly impaired or a service dog for an individual who is physically limited, whether belonging to the individual or otherwise, that person, in addition to any other applicable penalty, shall be required to make reparations for veterinary costs in treating the dog and, if necessary, the cost of obtaining and training a replacement dog.”

House Bill 165 makes the owner of a dog guilty of a second degree misdemeanor if that dog kills, maims or disfigures a guide, hearing or service dog. The purpose of the legislation is to make the owner responsible for the veterinary costs and the cost of a replacement dog.

Section 505-A(b) of the Dog Law, 1982 Act 225, makes it a second degree misdemeanor “If a dangerous dog, through the intentional, reckless or negligent conduct of the dog’s owner, attacks a person or a domestic animal.” Section 502-A(a) describes a “dangerous dog” as a dog that has a “history of attacking human beings and/or domestic animals” or a “propensity to attack human beings and/or domestic animals without provocation.”

**Legislative history**

Last session this legislation was introduced as House Bill 123. The House of Representatives passed House Bill 123 by a vote of 199 to 0. The Senate Judiciary Committee amended House Bill 123 and reported it from committee. The amendment added the language limiting culpability. The language for the amendment was drawn from the dangerous dog provisions of the Dog Law. The Senate tabled the bill.