

## **COMMITTEE BILL ANALYSIS**

**Bill:** Senate Bill 968

**Printer's No.:** 1059

**Sponsor:** Senator Dinniman

**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 it a crime for a person who is subject to a protection from abuse order to willfully harm the dog or cat, guide dog, hearing dog or service dog of a person who is protected by that order.

### **Summary:**

#### **Offense defined**

A person commits a misdemeanor of the first degree if the person willfully and maliciously kills, maims, disfigures, tortures or administers poison to any dog or cat, guide dog for an individual who is blind, hearing dog for an individual who is deaf or audibly impaired or service dog for an individual who is physically limited, that is in the care, control or supervision of a person who directly benefits from a protection from abuse order issued under the Protection From Abuse Act and the person committing the harm against the dog, cat, guide dog, hearing dog or service dog is subject to the protection from abuse order.

#### **Penalty**

A person convicted of violating this criminal offense shall be sentenced to pay a fine of not less than \$2,000 and not more than \$15,000 or to imprisonment for not more than two years, or both.

#### **Effective date**

This act takes effect in 60 days.

**Background:** Senate Bill 968 was introduced to address animal cruelty when it happens in a domestic violence situation. According to the sponsor, "All too often, an estranged spouse, boyfriend or girlfriend will get back at their spouse or partner by hurting or killing their cat, dog or other pet. Currently, if convicted of a first degree misdemeanor charge of animal cruelty, the minimum monetary fine one faces is \$1,000 and the maximum, \$10,000."

**Cruelty to Animals**

The provisions of Senate Bill 968 most closely track 18 Pa.C.S. §5511(a)(2.1) which makes it a misdemeanor of the first degree for a person to willfully and maliciously kill, maim, mutilate, torture or disfigure any dog or cat, whether belonging to himself or otherwise. If the person harms a dog guide, hearing dog or service dog, the person must also make reparations. Paragraph (2.1) also addresses a person who administers poison to a dog or cat. There is a minimum fine of \$1,000 for a violation of this paragraph. The maximum fine for a misdemeanor of the first degree is \$10,000 pursuant to 18 Pa.C.S. §1101.

**Protection From Abuse Act**

23 Pa.C.S. Ch. 61, known as the Protection From Abuse Act, authorizes the court to issue protection from abuse orders (PFAs) for a person who has been physically or sexually abused by a family or household member.