

# FULL TEXT OF ACT 104

## CRIMES CODE (18 PA.C.S.) AND JUDICIAL CODE (42 PA.C.S.) - NEGLECT OF ANIMAL, OFFENSE OF ATTACK OF GUIDE DOG, OFFENSE OF DISCRIMINATION ON ACCOUNT OF GUIDE, SIGNAL OR SERVICE DOG OR OTHER AID ANIMAL AND RESCUE FROM MOTOR VEHICLE

Act of Oct. 24, 2018, P.L. 685, No. 104

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Session of 2018

No. 2018-104

HB 1216

### AN ACT

Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in riot, disorderly conduct and related offenses, further providing for definitions, for the offense of neglect of animal and for the offense of attack of guide dog; in trade and commerce, further providing for the offense of discrimination on account of guide, signal or service dog or other aid animal; and, in particular rights and immunities, providing for rescue from motor vehicle.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 5531 of Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a definition to read:

§ 5531. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

**"Service, guide or support dog." A dog that is trained or is being trained to work or perform tasks for the benefit of an individual with a disability consistent with Federal and State law related to service animals.**

\* \* \*

Section 2. Sections 5532(a) and 5535 of Title 18, added June 28, 2017 (P.L.215, No.10), are amended to read:

§ 5532. Neglect of animal.

(a) Offense defined.--A person commits an offense if the person fails to provide [any of the following] for **the basic needs of** each animal to which the person has a duty of care, whether belonging to himself or otherwise, **including any of the following**:

(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.

\* \* \*

§ 5535. Attack of [guide] **service, guide or support** 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] **service, guide or support dog of an individual with a disability** without provocation by the [guide, hearing or service] **service, guide or support** dog or the individual.

(b) Culpability.--A person commits an offense under this section only if the person:

(1) 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]; **and**

(2) 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] **service, guide or support** dog and, if necessary, the cost of obtaining and training a replacement [guide, hearing or service] **service, guide or support** 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] **service, guide or support dog of an individual with a disability** 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] **service, guide or support** dog and, if necessary, the cost of retraining the dog or of obtaining and training a replacement [guide, hearing or service] **service, guide or support** dog.

(iii) Loss of income for the time the individual is unable to work due to the unavailability of the [guide, hearing or service] **service, guide or support** dog.

Section 3. Section 7325 of Title 18 is amended to read:

§ 7325. Discrimination on account of [guide, signal or service] **service, guide or support** dog or other aid animal.

(a) **Offense defined.**--A person is guilty of a summary offense if he, being the proprietor, manager or employee of a theatre, hotel, restaurant or other place of public accommodation, entertainment or amusement, refuses, withholds or denies any person, who is using a [guide, signal or service] **service, guide or support** dog or other aid animal [that has been certified by a recognized authority] to assist [a person, because of the physical disability, blindness or deafness of the user,] **an individual with a disability** or who is training a [guide, signal or support] **service, guide or support** dog or other aid animal for [or from a recognized authority for such a user] **an individual with a disability**, the use of or access to any accommodation, advantage,

facility or privilege of such theatre, hotel, restaurant or other place of public entertainment or amusement.

**(b) Definition.--As used in this section, the term "service, guide or support dog" shall have the same meaning given it under section 5531 (relating to definitions).**

Section 4. Title 42 is amended by adding a section to read:

**§ 8340.3. Rescue from motor vehicle.**

**(a) (Reserved).**

**(b) Rescue of dog or cat.--No law enforcement officer, animal control officer, humane society police officer or emergency responder, or the employer of a law enforcement officer, humane society police officer or emergency responder, shall be liable for damage to a motor vehicle or the contents thereof caused by entry into the motor vehicle for the purpose of removing a dog or cat, if the law enforcement officer, humane society police officer or emergency responder does all of the following:**

**(1) Has a good-faith, reasonable belief that the dog or cat is in imminent danger of suffering harm if not immediately removed from the motor vehicle.**

**(2) Makes a reasonable effort to locate the driver of the motor vehicle prior to entry.**

**(3) Takes reasonable steps to ensure or restore the well-being of the dog or cat.**

**(4) Uses no more force than necessary under the circumstances to enter the motor vehicle.**

**(5) Leaves notice on or in the motor vehicle stating the reason entry was made, the name of the person and of the person's employer, a telephone number and, if possible, the location where the dog or cat may be retrieved.**

**(c) Limitation.--A person shall not be immune from civil liability for damage resulting from the entry if the person's actions constitute gross negligence, recklessness or willful or wanton misconduct.**

Section 5. This act shall take effect in 60 days.

APPROVED--The 24th day of October, A.D. 2018.

TOM WOLF