Pennsylvania Digest of Laws on Cruelty to Animals and on Humane Society Police Officers:
18 Pa.C.S. §§ 5531-5561
22 Pa.C.S. §§ 3701-3718
And Notable Case Law

Produced by the Pennsylvania Bar Association
Animal Law Committee
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This pocket guide to Pennsylvania's animal cruelty statute, 18 Pa.C.S. §§ 5531-5561, and statute on Humane Society Police Officers ("HSPO"s), 22 Pa.C.S. §§ 3701-3718, was originally produced and distributed by the Federated Humane Societies of Pennsylvania. It was updated in 2018 by members of the Pennsylvania Bar Association's Animal Law Committee and printed and distributed by the Committee. It is intended for easy on-scene reference by those who are investigating or prosecuting animal cruelty cases in the Commonwealth of Pennsylvania.

This guide is publicly available as a service to help others make informed decisions regarding the required legal responsibilities of animal care and custody as well as the potential legal ramifications for acting or failing to act in violation of law. This guide has been in continuous publication for over 100 years and has always been called The Blue Book.

There is a select body of case law that has developed under the animal cruelty laws. Included in this book are the noteworthy cases with a brief explanatory note for each to help guide the individual on the scene. There is also a more extensive text offered by the Federated Humane Societies that gives these cases in full and in more depth. This guide is not intended to be a complete compilation of all the cases and issues under §§ 5531-5561 and §§ 3701-3718, but only a quick reference. It is not intended to be legal advice, and any questions on this matter should be directed to competent legal counsel.
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§ 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:

“Accelerant detection dog.” A dog that is trained for accelerant detection, commonly referred to as arson canines.

“Animal fighting.” Fighting or baiting a bull, bear, dog, cock or other creature.

“Animal fighting paraphernalia.” A device, implement, object or drug used or intended to be used for animal fighting, to train an animal for animal fighting or in furtherance of animal fighting. In determining whether an object is animal fighting paraphernalia, a court or other authority should consider the following:

(1) Statements by an owner or by an individual in control of the object concerning its use.
(2) A prior conviction under Federal or State law relating to animal fighting.
(3) The proximity of the object in time and space to the direct violation of this subchapter.
(4) Direct or circumstantial evidence of the intent of the accused to deliver the object to persons whom the accused knows or should reasonably know intends to use the object to facilitate a violation of this subchapter.
(5) Oral or written instructions provided with or in the vicinity of the object concerning the object’s use.
(6) Descriptive materials accompanying the object which explain or depict the object’s use.
(7) All other logically relevant factors.

“Audibly impaired.” The inability to hear air conduction thresholds at an average of 40 decibels or greater in the better ear.

“Blind.” Having a visual acuity of 20/200 or less in the better eye with correction or having a limitation of the field of vision such that the widest diameter of the visual field subtends an angular distance not greater than 20 degrees.

“Bodily injury.” Impairment of physical condition or substantial pain.

“Bomb detection dog.” A dog that is trained to locate a bomb or explosives by scent.

“Certified veterinary technician.” As defined in section 3(13) of the act of December 27, 1974 (P.L.995, No.326), known as the Veterinary Medicine Practice Act.

“Conveyance.” A truck, tractor, trailer or semitrailer, or a combination of these, propelled or drawn by mechanical power.

“Deaf.” Totally impaired hearing or hearing with or without amplification which is so seriously impaired that the primary means of receiving spoken language is through other
sensory input, including, but not limited to, lip reading, sign language, finger spelling or reading.

“Domestic animal.” A dog, cat, equine animal, bovine animal, sheep, goat or porcine animal.

“Domestic fowl.” An avian raised for food, hobby or sport.

“Equine animal.” A member of the Equidae family, which includes horses, asses, mules, ponies and zebras.

“Humane society police officer.” As defined in 22 Pa.C.S. § 3702 (relating to definitions).

“Licensed doctor of veterinary medicine.” As defined in section 3(8) of the Veterinary Medicine Practice Act.

“Narcotic detection dog.” A dog that is trained to locate narcotics by scent.

“Normal agricultural operation.” Normal activities, practices and procedures that farmers adopt, use or engage in year after year in the production and preparation for market of poultry, livestock and their products in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquicultural crops and commodities.

“Physically limited.” Having limited ambulation, including, but not limited to, a temporary or permanent impairment or condition that causes an individual to use a wheelchair or walk with difficulty or insecurity, affects sight or hearing to the extent that an individual is insecure or exposed to danger, causes faulty coordination or reduces mobility, flexibility, coordination or perceptiveness.

“Police animal.” An animal, including, but not limited to, dogs and horses, used by the Pennsylvania State Police, a police department created by a metropolitan transportation authority operating under 74 Pa.C.S. Ch. 17 (relating to metropolitan transportation authorities), a police department created under the act of April 6, 1956 (1955 P.L.1414, No.465), known as the Second Class County Port Authority Act, the Capitol Police, the Department of Corrections, a county facility or office or by a municipal police department, fire department, search and rescue unit or agency or handler under the supervision of the department, search and rescue unit or agency in the performance of the functions or duties of the department, search and rescue unit or agency, whether the animal is on duty or not on duty. The term shall include, but not be limited to, an accelerant detection dog, bomb detection dog, narcotic detection dog, search and rescue dog and tracking animal.

“Search and rescue dog.” A dog that is trained to locate lost or missing persons, victims of natural or manmade disasters and human bodies.

“Serious bodily injury.” Bodily injury that creates a substantial risk of death or causes serious, permanent disfigurement or protracted loss or impairment of the function of a bodily member or organ.

“Torture.” Any of the following acts directed toward or against an animal unless directed to be performed by a licensed doctor of veterinary medicine acting within the normal scope of practice:

(1) Breaking, severing or severely impairing limbs.

(2) Inflicting severe and prolonged pain from burning, crushing or wounding.
(3) Causing or allowing severe and prolonged pain through prolonged deprivation of food or sustenance without veterinary care.

"Tracking animal." An animal that is trained to track or used to pursue a missing person, escaped inmate or fleeing felon.

"Veterinary assistant." As defined in section 3(14) of the Veterinary Medicine Practice Act.

§ 5532. Neglect of animal.

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

(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.

(b) Grading.

(1) Except as set forth in paragraph (2), a violation of this section is a summary offense.

(2) If the violation causes bodily injury to the animal or places the animal at imminent risk of serious bodily injury, a violation of this section is a misdemeanor of the third degree.

§ 5533. Cruelty to animal.

(a) Offense defined. — A person commits an offense if the person intentionally, knowingly or recklessly illtreats, overloads, beats, abandons or abuses an animal.

(b) Grading.

(1) Except as set forth in paragraph (2), a violation of this section is a summary offense.

(2) If the violation causes bodily injury to the animal or places the animal at imminent risk of serious bodily injury, a violation of this section is a misdemeanor of the second degree.

§ 5534. Aggravated cruelty to animal.

(a) Offense defined. — A person commits an offense if the person intentionally or knowingly does any of the following:

(1) Tortures an animal.

(2) Violates section 5532 (relating to neglect of animal) or 5533 (relating to cruelty to animal) causing serious bodily injury to the animal or the death of the animal.
(b) Grading. A violation of this section is a felony of the third degree.


(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 without provocation by the guide, hearing or service dog or the individual.

(b) Culpability. - A person commits an offense under this section only if the person 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 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 dog and, if necessary, the cost of obtaining and training a replacement guide, hearing or service 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 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 dog and, if necessary, the cost of retraining the dog or of obtaining and training a replacement guide, hearing or service dog.

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

§ 5536. Tethering of unattended dog.

(a) Presumptions.

(1) Tethering an unattended dog out of doors for less than nine hours within a 24-hour period when all of the following conditions are present shall create a rebuttable presumption that a dog has not been the subject of neglect within the meaning of section 5532:

(i) The tether is of a type commonly used for the size and breed of dog and is at least three times the length of the dog as measured from the tip of its nose to the base of its tail or 10 feet, whichever is longer.
(ii) The tether is secured to a well-fitted collar or harness by means of a swivel anchor, swivel latch or other mechanism designed to prevent the dog from becoming entangled.

(iii) The tethered dog has access to potable water and an area of shade that permits the dog to escape the direct rays of the sun.

(iv) The dog has not been tethered for longer than 30 minutes in temperatures above 90 or below 32 degrees Fahrenheit.

(2) The presence of any of the following conditions regarding tethering an unattended dog out of doors shall create a rebuttable presumption that a dog has been the subject of neglect within the meaning of section 5532:

(i) Excessive waste or excrement in the area where the dog is tethered.

(ii) Open sores or wounds on the dog’s body.

(iii) The use of a tow or log chain, or a choke, pinch, prong or chain collar.

(b) Construction - This section shall not be construed to prohibit any of the following:

(1) Tethering a dog while actively engaged in lawful hunting, exhibition, performance events or field training.

(2) Tethering a hunting, sporting or sledding dog breed where tethering is integral to the training, conditioning or purpose of the dog.

(3) Tethering a dog in compliance with the requirements of a camping or recreational area.

(4) Tethering a dog for a period of time, not to exceed one hour, reasonably necessary for the dog or person to complete a temporary task.

§ 5537. Selling or using disabled horse.

A person commits a summary offense if the person offers for sale or sells a horse, which by reason of debility, disease or lameness, or for other cause, could not be worked or used without violating the laws against cruelty to animals, or leads, rides, drives or transports any such horse for any purpose, except that of conveying the horse to the nearest available appropriate facility for humane keeping or destruction or for medical or surgical treatment.

§ 5538. Transporting animals in cruel manner.

(a) Offense defined. — A person commits a summary offense if the person carries, or causes or allows to be carried, in or upon any cart or other vehicle whatsoever an animal in a cruel or inhumane manner. The person taking the offender into custody may take charge of the animal and of the vehicle and the vehicle’s contents, and deposit the same in a safe place of custody, and the necessary expenses that may be incurred for taking charge of and keeping the same, and sustaining the animal, shall be a lien thereon, to be paid before the same can lawfully be recovered, or the expenses or any part thereof remaining unpaid may be recovered by the person incurring the same from the owner of the animal in an action therefor.

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(b) Exception. - For the purposes of this section, it shall not be deemed cruel or inhumane to transport live poultry in crates so long as not more than 15 pounds of live poultry are allocated to each cubic foot of space in the crate.

§ 5539. Transporting equine animals in cruel manner.

Notwithstanding any other provision of law, a person commits a summary offense for each equine animal if the person carries, or causes or allows to be carried, an equine animal in or upon a conveyance or other vehicle whatsoever with two or more levels stacked on top of one another. A person who violates this section on a second or subsequent occasion commits a misdemeanor of the third degree for each equine animal transported.

§ 5540. Hours of labor of animals.

(a) Offense defined. — A person commits a summary offense if the person leads, drives, rides or works or causes or permits another person to lead, drive, ride or work a horse, mule, ox or other animal, whether belonging to the person or in the person’s possession or control, for more than 15 hours in a 24-hour period or more than 90 hours in one week.

(b) Construction - Nothing in this section shall be construed to warrant a person leading, driving, riding or walking an animal for a period less than 15 hours, when doing so shall in any way violate the laws against cruelty to animals.

§ 5541. Cruelty to cow to enhance appearance of udder.

A person commits a summary offense if the person kneads or beats or pads the udder of a cow, or willfully allows it to go unmilked for a period of 24 hours or more, for the purpose of enhancing the appearance or size of the udder of the cow, or by a muzzle or any other device, prevents the cow’s calf, if less than six weeks old, from obtaining nourishment, and thereby relieving the udder of the cow, for a period of 24 hours.

§ 5542. Animal mutilation and related offenses.

(a) Cropping of ear. — The following apply:

(1) A person commits an offense under section 5533 (relating to cruelty to animal) if the person crops, trims or cuts off, or causes or procures to be cropped, trimmed or cut off, the whole or part of the ear or ears of a dog.

(2) The provisions of this subchapter shall not prevent a licensed doctor of veterinary medicine from cropping, trimming or cutting off the whole or part of the ear or ears of a dog when the dog is anesthetized and shall not prevent a person from causing or procuring the cropping, trimming or cutting off of a dog’s ear or ears by a licensed doctor of veterinary medicine.

(3) The possession by a person of a dog with an ear or ears cropped, trimmed or cut off and with the wound or incision site resulting therefrom unhealed, or any such dog being found in the charge or custody of any person or confined upon the premises
owned by or under the control of any person, shall be prima facie evidence of a violation by the person, except as provided for in this subsection.

(4) A person who procures the cropping, trimming or cutting off of the whole or part of an ear or ears of a dog shall record the procedure. The record shall include the name of the attending licensed doctor of veterinary medicine and the date and location at which the procedure was performed. The record shall be kept as long as the wound or incision site is unhealed and shall be transferred with the dog during that period of time.

(b) Debarking - The following apply:

(1) A person commits an offense under section 5533 if the person debarks a dog by cutting, causing or procuring the cutting of its vocal cords or by altering, causing or procuring the alteration of a part of its resonance chamber.

(2) The provisions of this subchapter shall not prevent a licensed doctor of veterinary medicine from cutting the vocal cords or otherwise altering the resonance chamber of a dog when the dog is anesthetized and shall not prevent a person from causing or procuring a debarking procedure by a licensed doctor of veterinary medicine.

(3) The possession by a person of a dog with the vocal cords cut or the resonance chamber otherwise altered and with the wound or incision site resulting therefrom unhealed, or any such dog being found in the charge or custody of a person or confined upon the premises owned by or under the control of a person, shall be prima facie evidence of a violation by the person, except as provided in this subsection.

(4) A person who procures the cutting of vocal cords or the alteration of the resonance chamber of a dog shall record the procedure. The record shall include the name of the attending licensed doctor of veterinary medicine and the date and location at which the procedure was performed. The record shall be kept as long as the wound or incision site is unhealed and shall be transferred with the dog during that period of time.

(c) Docking of Tail - The following apply:

(1) A person commits an offense under section 5533 if the person docks, cuts off, causes or procures the docking or cutting off of the tail of a dog over five days old.

(2) The provisions of this subchapter shall not prevent a licensed doctor of veterinary medicine from docking, cutting off or cropping the whole or part of the tail of a dog when the dog is at least 12 weeks of age and the procedure is performed using general anesthesia and shall not prevent a person from causing or procuring the cutting off or docking of a tail of a dog by a licensed doctor of veterinary medicine as provided in this subsection.

(3) The provisions of this subchapter shall not prevent a licensed doctor of veterinary medicine from surgically removing, docking, cutting off or cropping the tail of a dog between five days and 12 weeks of age if, in the licensed doctor of veterinary medicine's professional judgment, the procedure is medically necessary for the
health and welfare of the dog. If the procedure is performed, it shall be done in accordance with generally accepted standards of veterinary practice.

(4) The possession by a person of a dog with a tail cut off or docked and with the wound or incision site resulting therefrom unhealed, or any such dog being found in the charge or custody of any person or confined upon the premises owned by or under the control of any person, shall be prima facie evidence of a violation by the person, except as provided in this subsection.

(5) A person who procures the cutting off or docking of a tail of a dog shall record the procedure. The record shall include the name of the attending licensed doctor of veterinary medicine and the date and location at which the procedure was performed. The record shall be kept as long as the wound or incision site is unhealed and shall be transferred with the dog during that period of time.

(d) Surgical Birth - The following apply:

(1) A person commits an offense under section 5533 if the person surgically births or causes or procures a surgical birth.

(2) The provisions of this subchapter shall not prevent a licensed doctor of veterinary medicine from surgically birthing a dog when the dog is anesthetized and shall not prevent a person from causing or procuring a surgical birthing by a licensed doctor of veterinary medicine.

(3) The possession by a person of a dog with a wound or incision site resulting from a surgical birth unhealed, or any such dog being found in the charge or custody of a person or confined upon the premises owned by or under the control of any person, shall be prima facie evidence of a violation by the person, except as provided in this subsection.

(4) A person who procures the surgical birth of a dog shall record the procedure. The record shall include the name of the attending licensed doctor of veterinary medicine and the date and location at which the procedure was performed. The record shall be kept as long as the wound or incision site is unhealed and shall be transferred with the dog during that period of time.

(5) This subsection shall not apply to personnel required to comply with standards to minimize pain to an animal set forth in section 2143(a)(3) of the Animal Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.), trained in accordance with section 2143(d) of the Animal Welfare Act, who work in a federally registered research facility required to comply with the Animal Welfare Act under the guidance or oversight of a licensed doctor of veterinary medicine.

(e) Additional Penalty - The following apply:

(1) A person commits an offense under section 5533 if the person cuts off or causes or procures the cutting off of the dewclaw of a dog over five days old.

(2) The provisions of this subchapter shall not prevent a licensed doctor of veterinary medicine from cutting the dewclaw and shall not prevent a person from causing or procuring the procedure by a licensed doctor of veterinary medicine.
(3) The possession by a person of a dog with the dewclaw cut off and with the wound or incision site resulting therefrom unhealed, or any such dog being found in the charge or custody of a person or confined upon the premises owned by or under the control of a person, shall be prima facie evidence of a violation by the person, except as provided in this subsection.

(4) A person who procures the cutting off of the dewclaw of a dog shall record the procedure. The record shall include the name of the attending licensed doctor of veterinary medicine and the date and location at which the procedure was performed. The record shall be kept as long as the wound or incision site is unhealed and shall be transferred with the dog during that period of time.

(f) Additional Penalty - In addition to any other penalty provided by law, upon conviction for conduct described in this section, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment at the convicted person’s expense that the court determines to be appropriate after due consideration of the evaluation.
§ 5543. Animal fighting.

A person commits a felony of the third degree if the person:

(1) for amusement or gain, causes, allows or permits an animal to engage in animal fighting;

(2) receives compensation for the admission of another person to a place kept or used for animal fighting;

(3) owns, possesses, keeps, trains, promotes, purchases, steals or acquires in any manner or knowingly sells an animal for animal fighting;

(4) in any way knowingly encourages, aids or assists therein;

(5) wagers on the outcome of an animal fight;

(6) pays for admission to an animal fight or attends an animal fight as a spectator; or

(7) knowingly permits a place under the person’s control or possession to be kept or used for animal fighting.

§ 5544. Possession of animal fighting paraphernalia.

In addition to any other penalty provided by law, a person commits a misdemeanor of the third degree if the person knowingly owns or possesses animal fighting paraphernalia.

§ 5545. Killing homing pigeons.

A person commits a summary offense if the person shoots, maims or kills an antwerp or homing pigeon, either while on flight or at rest, or detains or entraps a pigeon which carries the name of the pigeon’s owner.
§ 5546. Skinning of and selling or buying pelts of dogs and cats.

- A person commits a summary offense if the person skins a dog or cat or offers for sale or exchange or offers to buy or exchange the pelt or pelts of a dog or cat.

§ 5547. Live animals as prizes prohibited.

(a) General rule. — No person shall give or offer to give away a live animal, except fish, as a prize in a drawing, lottery, contest, sweepstakes or other game. No person operating a drawing, lottery, contest, sweepstakes or other game shall sell or offer to sell a live animal, except fish, in conjunction with the operation of a drawing, lottery, contest, sweepstakes or other game.

(b) Regulating certain actions concerning fowl or rabbits. — No person shall sell, offer for sale, barter or give away baby chickens, ducklings or other fowl under one month of age or rabbits under two months of age as pets, toys, premiums or novelties or color, dye, stain or otherwise change the natural color of baby chickens, ducklings or other fowl or rabbits. This subsection shall not be construed to prohibit the sale or display of baby chickens, ducklings or other fowl or rabbits in proper facilities by persons engaged in the business of selling them for purposes of commercial breeding and raising.

(c) Exception.

(1) This section shall not apply to a domestic animal given away or sold in connection with an agricultural, educational or vocational program sponsored or sanctioned by the Department of Agriculture.

(2) The Department of Agriculture shall promulgate the rules and regulations necessary to provide the conditions and requirements of live animal offerings under this subsection.

(d) Penalty - A violation of this section constitutes a summary offense punishable by a fine of not more than $250.

§ 5548. Police animals.

(a) Illegal to taunt police animals. — It shall be unlawful for a person to intentionally or knowingly taunt, torment, tease, beat, kick or strike a police animal. A person who violates the provisions of this subsection commits a felony of the third degree.

(b) Illegal to torture police animals. — It shall be unlawful for a person to intentionally or knowingly torture, mutilate, injure, disable, poison or kill a police animal. A person who violates the provisions of this subsection commits a felony of the second degree.

(c) Restitution — In a case in which a defendant is convicted of a violation of subsection (a) or (b), the defendant shall be ordered to make restitution to the agency or individual owning the animal for veterinary bills, for replacement costs of the animal if it is disabled or killed and for the salary of the animal’s handler for the period of time the handler’s services are lost to the agency.
§ 5549. Assault with a biological agent on animal, fowl or honey bees.

(a) Offense defined. — A person commits a felony of the second degree if the person intentionally, knowingly or maliciously exposes or causes to be exposed an animal, fowl or honey bees to a virus, bacteria, prion or other agent which causes infectious disease, including any of the following:

(1) Foot-and-mouth disease.
(2) Bovine spongiform encephalopathy (BSE), commonly known as mad cow disease.
(3) Avian influenza.
(4) Varroa mite.

(b) Restitution - The person convicted of violating this section shall, in addition to any other sentence imposed, be sentenced to pay the owner of the afflicted animal, fowl or honey bees restitution in an amount equal to the cost of the financial damages incurred as a result of the offense, including the following:

(1) Value of afflicted animal, fowl or honey bees.
(2) Disposal of afflicted animal, fowl or honey bees.
(3) Testing for disease on existing animal.
(4) Cleanup and sanitization of property and buildings on and in which afflicted animals, fowl or honey bees were located.
(5) Liability insurance for cleanup and sanitization workers.
(6) Soil testing of property.
(7) Loss of revenue for the aggrieved owner of afflicted animal, fowl or honey bees.

(c) Exceptions - The provisions of this section shall not apply to research or veterinarian services, including immunizations, vaccinations or other treatments administered during the normal scope of practice.

§ 5550. Fine and term of imprisonment for summary offense.

Unless otherwise specifically provided, a person convicted of a summary offense under this subchapter shall, upon conviction, be sentenced to pay a fine of not less than $50 nor more than $750 or imprisonment for not more than 90 days, or both.

§ 5551. Power to initiate criminal proceedings.

An agent of a society or association for the prevention of cruelty to animals, incorporated under the laws of this Commonwealth, shall have the same powers to initiate criminal proceedings provided for police officers by the Pennsylvania Rules of Criminal Procedure. An agent of a society or association for the prevention of cruelty to animals, incorporated under the laws of this Commonwealth, shall have standing to request a court of competent jurisdiction to enjoin a violation of this subchapter.
§ 5552. Seizure of animals kept or used for animal fighting.

A police officer or agent of a society or association for the prevention of cruelty to animals incorporated under the laws of this Commonwealth shall have power to seize an animal kept, used or intended to be used for animal fighting. When the seizure is made, the animal or animals seized shall not be deemed absolutely forfeited but shall be held by the officer or agent seizing the animal or animals until a conviction of a person is first obtained for a violation of section 5543 (relating to animal fighting) or forfeiture is obtained under the act of July 9, 2013 (P.L.263, No.50), known as the Costs of Care of Seized Animals Act. The officer or agent making the seizure shall make due return to the issuing authority of the number and kind of animals or creatures seized by the officer or agent. Where an animal is seized, the police officer or agent is authorized to provide the care that is reasonably necessary and, where an animal seized is found to be disabled, injured or diseased beyond reasonable hope of recovery, the police officer or agent is authorized to provide for the humane destruction of the animal. In addition to any other penalty provided by law, the authority imposing sentence upon a conviction for a violation of section 5543 shall order the forfeiture or surrender of an abused or neglected animal of the defendant to a society or association for the prevention of cruelty to animals duly incorporated under the laws of this Commonwealth and shall require that the owner pay the cost of the keeping, care and destruction of the animal.

§ 5553. Search warrants.

Where a violation of this subchapter is alleged, an issuing authority may, in compliance with the applicable provisions of the Pennsylvania Rules of Criminal Procedure, issue to a police officer or an agent of a society or association for the prevention of cruelty to animals duly incorporated under the laws of this Commonwealth a search warrant authorizing the search of a building or an enclosure in which a violation of this subchapter is occurring or has occurred and authorizing the seizure of evidence of the violation, including, but not limited to, the animals which were the subject of the violation. Where an animal seized is found to be neglected or starving, the police officer or agent is authorized to provide the care that is reasonably necessary and, where any animal seized is found to be disabled, injured or diseased beyond reasonable hope of recovery, the police officer or agent is authorized to provide for the humane destruction of the animal. The cost of the keeping, care and destruction of the animal shall be paid by the owner of the animal, and claims for the costs shall constitute a lien upon the animal. In addition to any other penalty provided by law, the authority imposing sentence upon a conviction for a violation of this subchapter may require that the owner pay the cost of the keeping, care and destruction of the animal. No search warrant shall be issued based upon an alleged violation of this subchapter which authorizes a police officer or agent or other person to enter upon or search premises where scientific research work is being conducted by or under the supervision of graduates of duly accredited scientific schools or where biological products are being produced for the care or prevention of disease.

5554. Forfeiture.

(a) General rule. — Except as provided under subsection (b), in addition to any other penalty provided by law, the authority imposing sentence upon a conviction for a violation of this subchapter may order the forfeiture or surrender of an abused or neglected animal of the defendant
to a society or association for the prevention of cruelty to animals duly incorporated under the laws of this Commonwealth.

(b) *Forfeiture required for Felony offense.* — If the conviction under this subchapter is for an offense graded as a felony, the authority imposing sentence shall order forfeiture or surrender of an abused or neglected animal of the defendant to a society or association for the prevention of cruelty to animals duly incorporated under the laws of this Commonwealth.

§ 5555. Prohibition of ownership.

Notwithstanding any provision of law and in addition to any other penalty provided by law, the authority imposing sentence upon a conviction for a violation of this subchapter may order the prohibition or limitation of the defendant's ownership, possession, control or custody of animals or employment with the care of animals for a period of time not to exceed the statutory maximum term of imprisonment applicable to the offense for which sentence is being imposed. A humane society police officer, law enforcement officer or State dog warden shall have authority to ensure compliance with this section and may notify the local district attorney who may petition the court to remove animals kept in violation of this section.

§ 5556. Civil immunity for licensed doctors of veterinary medicine, technicians and assistants.

(a) A licensed doctor of veterinary medicine, certified veterinary technician or veterinary assistant who reports, in good faith and in the normal course of business, a suspected violation of this subchapter to the proper authority shall not be liable for civil damages as a result of reporting the incident.

(b) *Nonapplicability* - Subsection (a) shall not apply to an act or omission intentionally designed to harm or to an act or omission that constitutes gross negligence or willful, wanton or reckless conduct.

§ 5557. Civil immunity for humane society police officers.

(a) *General rule.* — A humane society police officer acting in good faith and within the scope of the authority provided under this subchapter shall not be liable for civil damages as a result of an act or omission in the course of an investigation or enforcement action.

(b) *Nonapplicability* - Subsection (a) shall not apply to an act or omission intentionally designed to harm, or to an act or omission that constitutes gross negligence or willful, wanton or reckless conduct.

§ 5558. Representation of humane society by attorney.

Upon prior authorization and approval by the district attorney of the county in which the proceeding is held, an association or agent may be represented in a proceeding under this subchapter by an attorney admitted to practice before the Supreme Court of Pennsylvania and in good standing. Attorney fees shall be borne by the humane society or association that is represented.
§ 5559. Construction of subchapter.

The provisions of this subchapter shall not supersede the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law.

§ 5560. Exemption of normal agricultural operations.

Sections 5532 (relating to neglect of animal), 5533 (relating to cruelty to animal), 5534 (relating to aggravated cruelty to animal), 5536 (relating to tethering of unattended dog) and 5543 (relating to animal fighting) shall not apply to activity undertaken in a normal agricultural operation.

§ 5561. Nonapplicability of subchapter.

(a) Game law. — This subchapter shall not apply to, interfere with or hinder any activity which is authorized or permitted under 34 Pa.C.S. (relating to game) or the regulations promulgated under those laws.

(b) Exemptions - The provisions of this subchapter shall not apply to the following:

(1) The killing of a dog or cat by the owner of that animal if it is accomplished in accordance with the act of December 22, 1983 (P.L.303, No.83), known as the Animal Destruction Method Authorization Law.

(2) The killing of an animal found pursuing, wounding or killing a domestic animal or domestic fowl.

(3) The killing of an animal or fowl under 34 Pa.C.S. §§ 2384 (relating to declaring dogs public nuisances) and 2385 (relating to destruction of dogs declared public nuisances) or regulations promulgated under 34 Pa.C.S. §§ 2384 and 2385.

(4) Reasonable activity that may be undertaken with vermin control or pest control.

(5) Shooting activities not otherwise prohibited under this subchapter.

(6) Conduct that is lawful under the laws of the United States or this Commonwealth relating to activities undertaken by a research facility that is one of the following:

(i) Registered and inspected under the Animal Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.).

(ii) Subject to the Public Health Service Policy on Humane Care and Use of Laboratory Animals provided for under the Public Health Service Act (58 Stat. 682, 42 U.S.C. § 201 et seq.).

(iii) Subject to the provisions of 21 CFR Pt. 58 (relating to good laboratory practice for nonclinical laboratory studies) under the Federal Food, Drug and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.) or the Public Health Service Act.
Pennsylvania's Humane Society Police Officers Statute,
22 Pa.C.S. §§ 3701-3718

§ 3701. Scope of chapter.

This chapter deals with humane society police officers.

§ 3702. Definitions.

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

"Agricultural animal." — Any bovine animal, equine animal, sheep, goat, pig, poultry, bird, fowl, wild or semiwild animal or fish or other aquatic animal that is being raised, kept, transported or utilized for the purpose of or pursuant to agricultural production.

"Agricultural production." — The production and preparation for market of agricultural animals and their products and of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities.

"Board." — The Humane Society Police Officer Advisory Board.

"Complainant." — Any person who has evidence that an individual appointed as a humane society police officer has performed in a manner that is contrary to the standards, requirements and qualifications prescribed in this chapter for appointment of individuals as humane society police officers. The term also includes a district attorney or a municipal solicitor.

"Convicted." — A finding or verdict of guilt, an admission of guilt or a plea of nolo contendere or receiving probation without verdict, disposition in lieu of trial or an Accelerated Rehabilitative Disposition in the disposition of felony charges.

"Cruelty to animals laws." — The provisions of 18 Pa.C.S. Ch. 55 Subch. B (relating to cruelty to animals).

"Department." — The Department of Agriculture of the Commonwealth.

"Humane society police officer." — Any person who holds a current appointment under this chapter to act as a humane society police officer for a society or association for the prevention of cruelty to animals. The term shall include an individual who is an agent of a society or association for the prevention of cruelty to animals as "agent" is used in 18 Pa.C.S. Ch. 55 Subch. B (relating to cruelty to animals), provided that individual holds a current appointment under this chapter.

"Secretary." — The Secretary of Agriculture of the Commonwealth.

"Serious misdemeanor." — A criminal offense for which more than one year in prison can be imposed as a punishment.

"Society or association." — A nonprofit society or association duly incorporated pursuant to 15 Pa.C.S. Ch. 53 Subch. A (relating to incorporation generally) for the purpose of the prevention of cruelty to animals.
§ 3703. Appointment required.

It shall be unlawful for any individual to hold himself forth as a humane society police officer unless the individual has obtained an appointment pursuant to this chapter.

§ 3704. Appointment by nonprofit corporations.

(8) nt. —A society or association may apply to the court of common pleas in any county for the appointment of an individual as a humane society police officer for that county by providing proof of qualification under section 3705 (relating to qualifications for appointment) to the court of common pleas and to the district attorney. The court, upon reviewing the application and considering the recommendation, if any, of the district attorney, may by order appoint such person to be a humane society police officer.

(4) Every individual appointed as a humane society police officer pursuant to this chapter shall, before entering upon the duties of the office, take and subscribe to the oath required by Article VI of the Constitution of Pennsylvania.

§ 3705. Qualifications for appointment.

In order for an individual to be considered for appointment as a humane society police officer, the society or association must submit proof satisfactory to the court of common pleas and the district attorney in each county for which the society or association directs the individual to act as a humane society police officer that the individual:

(1) Has been a resident of this Commonwealth for the previous 12 months.

(2) Has successfully completed the training program established pursuant to section 3712 (relating to training program).

(3) Has obtained a criminal history report from the Pennsylvania State Police pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal history record information) or a statement from the Pennsylvania State Police that the Pennsylvania State Police central repository contains no pertinent information relating to the individual who is the subject of the application. The criminal history record information shall be limited to that which may be disseminated pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to general regulations).

(4) Has not been convicted of an offense graded a felony or a serious misdemeanor.

(5) Has not been convicted of any violation, including a summary offense, of 18 Pa.C.S. Ch. 55 Subch. B (relating to cruelty to animals).

(6) Has not been convicted of an offense in another jurisdiction, state, territory or country in accordance with the laws of that jurisdiction, state, territory or country equivalent to an offense graded a felony or a serious misdemeanor or an offense of cruelty to animals.
§ 3706. Suspension, revocation, limitation and restriction of appointment; restoration of appointment.

(a) Grounds for suspension, revocation, limitation or restriction. — By its own action, on petition by a district attorney or pursuant to a written affidavit filed by a complainant, the court of common pleas may, after conducting a hearing, suspend, revoke, limit or restrict an appointment of an individual to act as a humane society police officer in the county if the court determines any of the following:

(1) Being convicted of a felony or a serious misdemeanor in any Federal or State court or being convicted of the equivalent of a felony in any foreign country, territory or possession.

(2) Being convicted of an offense of cruelty to animals in any Federal or State court or being convicted of the equivalent of a cruelty to animals offense in any foreign country, territory or possession.

(3) Presenting false credentials or documents or making a false or misleading statement in the application for appointment or a certification of completion of additional training or submitting an application for appointment or a certification for completion of additional training containing a false or misleading statement.

(4) Carrying or possessing a firearm in the performance of his or her duties without certification pursuant to section 3711 (relating to limitation on possession of firearms).

(5) The individual has conducted his or her authority to enforce animal cruelty laws in a manner that is substandard of conduct normally expected of humane society police officers.

(b) Grading. Upon action by the court of common pleas to suspend, revoke, limit or restrict an appointment, the clerk of courts of the county shall forward such information to the department for the purpose of the Statewide registry established pursuant to section 3714 (relating to Statewide registry).

(8) The court of common pleas may restore a suspended appointment of an individual if the individual provides to the court evidence sufficient to warrant restoration and the court determines the grounds for suspension have been satisfactorily corrected and the individual otherwise qualifies for appointment.

§ 3707. Termination of appointment.

(a) General rule. - All powers and authority granted to an individual under section 3708 (relating to powers and authority; jurisdiction) shall immediately terminate upon notice to the individual from the society or association for which appointed that services are no longer required of the individual.

(b) Notice to court. - The society or association must file notice within ten days of a termination of an individual as a humane society police officer with the clerk of courts in each county in which the individual has been appointed as a humane society police officer.
(c) **Notice to department.** - The society or association must file notice within ten days of a termination of an individual as a humane society police officer with the department for the purpose of providing information relevant to the Statewide registry established pursuant to section 3714 (relating to Statewide registry).

§ 3708. **Powers and authority; jurisdiction.**

(a) **Authority limited to county of appointment.** — An individual appointed as a humane society police officer in accordance with this chapter shall have power and authority to exercise the powers conferred under 18 Pa.C.S. Ch. 55 Subch. B (relating to cruelty to animals) in enforcement of animal cruelty laws only within the particular county whose court of common pleas issued the appointment. The individual has no power or authority to exercise the powers conferred under 18 Pa.C.S. Ch. 55 Subch. B in any other county whose court of common pleas has not issued an appointment.

(b) **Notice to district attorney.** — Prior to exercising the power and authority set forth by this chapter within a county, each appointed humane society police officer shall file notice, along with a copy of the appointment granted under this chapter, with the district attorney of the county.

(c) **Shield.** - Every individual appointed as a humane society police officer under this chapter shall possess a metallic shield with the words “humane society police officer” and the name of the society or association for which the individual is appointed displayed thereon.

(d) **Photo identification.** - Every individual appointed as a humane society police officer under this chapter shall have a photo identification card issued by the department that contains the following:

1. A photo of the individual taken within the previous 24 months.
2. The name of the individual.
3. The signature of the individual.
4. The name of the society or association for which the individual is appointed as a humane society police officer.
5. The address and telephone number of the society or association for which the individual is appointed as a humane society police officer.
6. The date of issuance of the photo identification card.

§ 3709. **Penalties.**

(a) **Criminal penalties.** — A person who violates this chapter commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of up to $1,000 or to imprisonment for not more than 90 days, or both.

(b) **Civil penalties.** - In addition to any criminal penalties or other civil remedy, a person, association or society who violates this chapter may be subject to a civil penalty of up to $1,000.
§ 3710. Search warrants.

Notwithstanding contrary provisions of 18 Pa.C.S. Ch. 55 Subch. B (relating to cruelty to animals) and in addition to the requirements of existing law, all search warrant applications filed in connection with alleged violations of cruelty to animals laws must have the approval of the district attorney in the county of the alleged offense prior to filing.

§ 3711. Limitation on possession of firearms.

No individual appointed as a humane society police officer shall carry, possess or use a firearm in the performance of that individual's duties unless that individual holds a current and valid certification in the use and handling of firearms pursuant to at least one of the following:

(1) 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).


(4) Any other firearms program that has been determined by the Commissioner of the Pennsylvania State Police to be of sufficient scope and duration as to provide the participant with basic training in the use and handling of firearms.

§ 3712. Training program.

(a) Required training. — Every individual, prior to the society or association making application for appointment as a humane society police officer, shall successfully complete the minimum requirements for initial training prescribed in the program for initial training of humane society police officers established in accordance with subsections (b), (c), (d) and (e).

(b) Contracts. - The secretary, with the advice of the board, shall contract with an accredited college or university, including a community college or other public or private entity, for the establishment of a program for the training of individuals to act as humane society police officers. The contracted entity shall forward information pertaining to an individual’s successful completion of the initial training program to the department for the purpose of maintaining the Statewide registry established pursuant to section 3714 (relating to Statewide registry).

(c) Minimum requirements. - The program for the training of humane society police officers shall include at a minimum 60 hours of instruction in accordance with subsection (d).

(d) Curriculum. - The program for the training of humane society police officers shall provide instruction in the following instructional areas:

(1) At least 36 hours of instruction shall be provided on the following:

(ii) Pennsylvania cruelty to animal laws.


(ii) Care and treatment of animals.

(ii) Proper execution of search warrants.
(iii) Proper search and seizure practices.

(vi) Any other areas relating to law enforcement duties.

(2) At least 24 hours of instruction shall be provided on the following:

(i) Animal husbandry practices constituting normal agricultural operation.

(ii) Practices accepted in the agricultural industry in the raising, keeping and production of agricultural animals.

(iii) Characteristics of agricultural animals likely evidencing care that is in violation of the cruelty to animal laws.

(iv) Proper care and handling of agricultural animals pursuant to enforcement of the cruelty to animals laws.

(v) Treatments administered and research conducted during the normal scope of veterinarian practices.

(e) Final examination. — The training program shall require individuals, as a prerequisite to successful completion of the program, to take and pass a final examination that sufficiently measures the individuals' knowledge and understanding of the instructional material.

(f) Current officers. — Individuals who have been appointed as humane society police officers prior to the effective date of this chapter are exempt from the initial training requirements pursuant to this section provided that the individual can provide proof to the secretary of successful

§ 3713. Continuing education program.

(a) Required training. - During each two-year period following the date in which an individual has been initially appointed as a humane society police officer, the individual shall successfully complete the minimum requirements for additional training prescribed in the program for continuous education of humane society police officers established in accordance with subsections (b), (c), (d) and (e).

(b) Contracts. - The secretary, with the advice of the board, shall contract with an accredited college or university, including a community college or other public or private entity, for the establishment of a continuing education program for the training of individuals to act as humane society police officers. The contracted entity shall forward information pertaining to an individual's successful completion of the continuing education program to the department for the purpose of maintaining the Statewide registry established pursuant to section 3714 (relating to Statewide registry.)

(c) Minimum requirements. - The continuing education program for the training of humane society police officers shall include at a minimum ten hours of instruction in accordance with subsection (d).

(d) Curriculum. - The program for the training of humane society police officers shall provide instruction in the following instructional areas:

(1) At least six hours of instruction shall be provided on the following:

(i) Pennsylvania cruelty to animals laws.

(iii) Care and treatment of animals.
(iv) Proper completion of search warrants.
(v) Proper search and seizure practices.
(vi) Any other areas relating to law enforcement duties.

(2) At least four hours of instruction shall be provided on the following:

(i) Animal husbandry practices constituting normal agricultural operation.
(ii) Practices accepted in the agricultural industry in the raising, keeping and production of agricultural animals.
(iii) Characteristics of agricultural animals likely evidencing care that is in violation of the cruelty to animals laws.
(iv) Proper care and handling of agricultural animals pursuant to enforcement of the cruelty to animals laws.
(v) Treatments administered and research conducted during the normal scope of veterinarian practices.

(e) Automatic suspension. - Failure to complete the continuing education program as prescribed in subsection (a) shall result in an individual's automatic suspension of the powers and authority set forth in section 3708 (relating to powers and authority; jurisdiction) until such time as the individual successfully completes the continuing education requirements.

§ 3714. Statewide registry.

(a) Establishment. - There is hereby established a Statewide registry within the department for the purpose of maintaining information relating to individuals appointed as humane society police officers.

(b) Access to registry. - The information included within the Statewide registry shall be made accessible to the public through the department's World Wide Web site and shall include the following:

(1) The name of each individual appointed as a humane society police officer.

(2) The name and address of the society or association for which each individual is appointed as a humane society police officer.

(3) The counties in which the individual has been appointed as a humane society police officer and dates of appointment.

(4) The counties in which the individual has had an appointment revoked, suspended, limited or restricted, the action taken by the court and dates of action.

(5) The dates of successful completion of the training program established in section 3712 (relating to training program) and the continuing education program established in section 3713 (relating to continuing education program).

(c) Updates. - The department shall update the registry within ten days of receiving information required for inclusion on the Statewide registry.
(d) **Confidential information.** — At no time shall the home address or any other related personal information of an individual appointed as a humane society police officer be made public through the Statewide registry.

§ 3715. Humane Society Police Officer Advisory Board.

(a) **Advisory Board.** - The secretary shall appoint a Humane Society Police Officer Advisory Board to advise him in the administration of this chapter.

(b) **Membership.** - The board shall consist of the following:

1. The secretary or his designee, who shall act as a chairman.
2. A representative of a society or association for the prevention of cruelty to animals.
3. A humane society police officer.
4. A representative of a Statewide veterinary medical association.
5. A representative of a farm organization.
6. A district attorney or his designee.
7. A representative of the police.
8. A district justice.
9. A court of common pleas judge or his designee.
10. A clerk of courts.
11. A representative of the Pennsylvania Game Commission.

(c) **Terms.** - The length of the initial term of each appointment to the board shall be set by the secretary and shall be staggered so that the terms of approximately one-third of the appointments expire every other year.

(d) **Absences.** - Three consecutive unexcused absences from regular board meetings or failure to attend at least 50% of the regularly scheduled board meetings in any calendar year shall be considered cause for termination of appointment unless the secretary, upon written request of the member, finds that the member should be excused from attending a meeting because of illness or death of a family member or for a similar emergency.

(e) **Vacancies.** - Vacancies in the membership of the board shall be filled for the balance of an unexpired term in the same manner as the original appointment.

(f) **Recommendations.** - The board may make nonbinding recommendations to the secretary on all matters related to the provisions of this chapter.

§ 3716. Costs.

In addition to any fines, fees or other penalties levied or imposed under this chapter or any other statute, a cost of $50 shall be imposed upon conviction for any violation of 18 Pa.C.S. Ch. 55 Subch. B (relating to cruelty to animals) other than a summary offense. Costs collected under this section shall be disposed of in accordance with section 3717 (relating to disposition of moneys).
§ 3717. Disposition of moneys.

Notwithstanding the provisions of 42 Pa.C.S. §§ 3571 (relating to Commonwealth portion of fines, etc.) and 3573 (relating to municipal corporation portion of fines, etc.), all costs imposed and collected under sections 3709 (relating to penalties) and 3716 (relating to costs) by a division of the unified judicial system existing under section 1 of Article V of the Constitution of Pennsylvania and 42 Pa.C.S. § 301 (relating to unified judicial system) shall be remitted to the Commonwealth for use by the department for administering this chapter.

§ 3718. Applicability to currently appointed individuals.

Any individual appointed prior to the effective date of this chapter as a humane society police officer in the county of the registered office of the society or association for which the individual was previously appointed shall not be required to apply for appointment by the court of common pleas in that county under this chapter. Such individual shall be required to apply for appointment pursuant to section 3704 (relating to appointment by nonprofit corporations) in each county other than the initial county of appointment if directed by the society or association.
3. Case Law Interpreting the Animal Cruelty Statute

The following cases help better explain the requirements of Pennsylvania’s animal cruelty statute. They are not, by any means, all the cases available that interpret it, but are a selection of particularly useful cases.

The summaries that follow are not the authoritative texts of the opinions, but summaries written by the members of the Animal Law Committee of the Pennsylvania Bar Association. Most of the cases were decided under the animal cruelty statute prior to Libre’s Law. These summaries first describe the case and then state how Libre’s Law affects the case, stating whether or not the case is still good law after the enactment of Libre’s Law.

If further inquiry is needed, reference the authoritative texts, which can be accessed from county law libraries or case law research services. Citations for each case are included in order to make this reference easier. Further questions about this case law should be directed to an attorney competent in this subject area.


The case is an appeal from a cock fighting operation where the chickens were housed and dressed consistent with cockfighting birds. The birds were seized and taken to the HSPO organization even though they were not actively engaged in animal fighting. While at the animal organization, the birds became ill and were euthanized with no owner or court input. The court held:

- The animal cruelty law is not preempted by federal law.
- The animal cruelty law is not impermissibly vague.
- Possession of an animal for fighting is sufficient for a conviction under the law. An officer does not need to catch a fight in progress.
- The animal cruelty law is unconstitutional if a humane society uses it to destroy an owner’s animals without notice or a hearing. This violates an individual’s right to due process of law (“Due Process”).

*After Libre’s Law:*

This case continues to be minimally relevant, although its relevance is diminished both under Libre’s Law and the Costs of Care of Seized Animals Act, 18 P.S. §30.1, et seq. The updates in the cruelty laws since 1991 would, under the facts of this case, provide a stronger basis for HSPOs to pursue charges. For instance, under 18 P.S. § 5544, Possession of Animal Fighting Paraphernalia, a defendant can be charged with a misdemeanor of the third degree for knowingly owning or possessing animal fighting paraphernalia. The Costs of Care of Seized Animals Act enables forfeiture faster than a criminal conviction, since if a defendant subject to a costs order fails to timely pay any of the amounts ordered, the seized animal shall be automatically forfeited, and since the Act also provides conditions allowing euthanization of a seized animal.
The language in the prior cruelty law allowing an animal organization to destroy a seized animal that is disabled, injured or diseased beyond a reasonable hope of recovery without notice or a hearing, which was found to be unconstitutional by the Pennsylvania Superior Court in Comm. v. Gonzalez, remains word for word the same. However, since the Costs of Care Act may now be used to expedite forfeiture, it could be used to avoid violation of an individual’s Due Process rights. Also, a “Disposition Petition,” which provides notice and an opportunity for a court hearing, does not violate a defendant’s Due Process rights. See Section 4 below.


Facts: Environmental inspector encountered dead and malnourished animals on the property and reported his findings to the chief cruelty officer of the Eric Humane Society, who then obtained a search warrant and seized horses from the property. Appellants challenged the Humane Society’s delegation of governmental authority, and argued that their conduct fall within the statutory exception for “activity undertaken in normal agriculture operations” because they intended to sell the horses for dog food.

Holding:

- Actions of Humane Society agents are regulated by the Rules of Criminal Procedure, by the probable cause requirements for the issuance of search warrants, and by case law.
- Reasonableness of searches conducted by Humane Society agents decided on case-by-case basis.
- Persons of common intelligence could be expected to conclude that appellants’ utter neglect of their horses would not fall within the purview of the exception, therefore the statute was not vague.
- The practice of raising horses to be sent to “killer pens” and then sold for dog food does not fall within the purview of the exception for “normal agricultural operations.”

After Libre’s Law:

- This case construes the former 18 Pa.C.S. § 5511, which was repealed by Libre’s Law. The provision at issue in the case was “Power to initiate criminal proceedings,” which provided that “an agent of any society or association for the prevention of cruelty to animals, incorporated under the laws of the Commonwealth, shall have the same powers to initiate criminal proceedings provided for police officers by the Pennsylvania Rules of Criminal Procedure. An agent of any society or association for the prevention of cruelty to animals, incorporated under the laws of this Commonwealth, shall have standing to request any court of competent jurisdiction to enjoin any violation of this section.” The Court rejected the appellants’ argument that this provision was an unconstitutional delegation of governmental authority. The current version of the law, found at 18 Pa.C.S. § 5511, contains identical language. Thus, the Court’s decision in Barnes is still good law: the delegation of power to HSPO, is not constitutional.
The second issue in this case is whether the former § 5511(c) ("Cruelty to animals") was unconstitutionally vague with respect to the phrase "normal agricultural operation." Appellants contended that it was normal practice in the horse farming business to neglect horses that are no longer wanted and are going to be sent to "killer pens" at the livestock auction and then sold for dog food. The Court held that the statute was not unconstitutionally vague and that neglecting horses in "killer pens" who are to be sent to slaughter is not encompassed within "normal agricultural operations." Libre's Law includes a new provision, § 5560 ("Exemption of normal agricultural operations") which contains substantially the same language as was present in the former § 5511(c). On this issue, too, the Court's decision in Barnes is still good law. Moreover, Libre's Law contains a provision, § 5537 ("Selling or using disabled horse"), which makes it a summary offense to offer for sale a "horse, which by reason of debility, disease or lameness, or for other cause, could not be worked or used without violating the laws against cruelty to animals."


Facts: Defendant appealed conviction for cockfighting, arguing cruelty statute was vague and overbroad; challenging denial of request to inform jury of Balog's "normal agricultural operation" affirmative defense; and arguing trial court erred in qualifying a humane society officer as an expert at trial.

_Holding:

- Defendant's conduct of cockfighting fell within scope of statute and therefore he could not argue statute was unconstitutionally vague.

- Jury instructions were appropriate because defendant did not present any evidence that he was in the business of raising the birds "for market" or was within the scope of the agricultural exception.

- HSPO could be qualified as an expert based on training and experience in the field.

_After Libre's Law:

- This case construes the former 18 Pa.C.S. § 5511, which was repealed by Libre's Law. However, Libre's Law contains similar provisions. Therefore, the Balog case is still good law.

- Appellant claimed § 5511(h.1)(3), which prohibited owning animals for animal fighting, was vague and overbroad. The Court disagreed, concluding that appellant's conduct fell within the scope of the statute and that the statute provided reasonable notice to him that his conduct was prohibited.

- Under Libre's Law, the definition of animal fighting (§ 5531) is the same as the former law and the prohibition on animal fighting (§ 5543) is similar to the former law. Thus, the Court's decision in Balog is still good law.
Similarly, the Court’s holding that the appellant did not demonstrate that he was in the business of raising the birds “for market” and thus fell within the “normal agricultural operations” exception to the cruelty law, should still hold under the new Libre’s Law. The “normal agricultural exception” language is the same under the former and current versions of the law.


Facts: Owner convicted of cruelty to dog where dog was tied to a chair and unable to reach food or water absent serious injury. Officer photographed the scene without a search warrant. Owner appealed.

**Holding:**

- Evidence of dog on cord that had become so tangled it could not safely reach for its food and water for 7+ hours was sufficient to sustain cruelty conviction.

- No constitutional violation of photographing the scene absent a search warrant, because no expectation of privacy exists in the front porch of owner’s home.

**After Libre’s Law:**

The new “neglect” provision should apply to the circumstances of this case. Under 18 Pa.C.S. § 5532(1), a person commits neglect if the person has a duty of care to an animal and fails to provide necessary sustenance and potable water to the animal.

- The Court noted that the dog was initially restrained with a leash too short to allow the animal to safely reach food that had been placed at a dangerous distance from the leashed animal and had remained that way for over seven hours.

- The Humane Officer determined that the dog was in serious danger because it would have been strangled if it would have tried to obtain food and water. Therefore, grading under 18 Pa.C.S. § 5532(b)(2), a third-degree misdemeanor, may be appropriate if the dog was in imminent risk of serious injury.

Libre’s Law contains a specific provision regarding tethering of a dog. 18 Pa.C.S. § 5536 creates a rebuttable presumption that tethering an unattended dog outside for less than nine hours within a 24-hour period is not neglect under § 5532 when all of the enumerated conditions are met. The conditions include that the tether be of an appropriate type and length for the breed of dog, that the tether be secured to a collar or harness by a mechanism designed to prevent the dog from becoming entangled, that the tethered dog has access to potable water and an area of shade, and that the dog not be tethered for longer than 30 minutes in temperatures above 90 degrees.

- The circumstances here do not fall within the protection of the rebuttable presumption. The opinion describes the dog as being tethered with a “cord” that was too short to allow the dog to obtain food and water without serious injury and it was of the kind that allowed the dog to become entangled. Therefore, the owner would have been convicted under Libre’s Law.

Commonwealth v. Tomey, 884 A.2d 291 (Pa. Super. 2005), Commonwealth v. Brodbeck, 122 A.2d 1125 (Pa. Super. 2015), and Commonwealth v. Shickora, 116 A.3d 1150 (Pa. Super. 2015) are cases that construe the requirement of § 5511(c) that a defendant must act "wantonly" or "cruelly" to be convicted of cruelty to animals. The cases establish that:


• "Wantonly or cruelly" modifies all subparts of subsection (c). This phrase modifies not just the words that immediately follow it in the subsection, but also all the words and phrases that follow the word "or," which appears multiple times within subsection (c).

• "Wantonly or cruelly" connotes the mental states of intentional cruelty or intentional disregard of a known health hazard. However, those mental states may be proven by "circumstantial evidence," rather than by witness testimony of someone who saw the defendant(s) inflicting cruelty upon the animal(s). Also, the state of the animal(s) and its (their) surroundings, as discovered (and hopefully as photographed) by one or more HSPOs, such as emaciation, lack of food and water, poor ventilation in summer, lack of heat in winter, and feces and urine on the floor, are sufficient to prove the mental elements of "wantonly or cruelly" in order to convict the defendant(s) of animal cruelty, without any further explanation of the actual mental state or intentions of the defendant(s).

• "Wantonly" is defined in the cases as "unreasonably risking harm to an animal while being utterly indifferent to the consequences." See also, Commonwealth v. Crawford, 24 A.3d 396 (Pa. Super. 2011) ("wantonly, willfully and maliciously" construed under the Cruelty Law. 18 Pa. C.S.A. § 5511.

After Libre’s Law:

• Libre’s Law appears to require a less malicious state of mind for an abuser to be convicted. The prior cruelty law required the abuser to be “wanton or cruel” in his conduct, whereas Libre’s Law requires the following: (i) no particular state of mind to commit “Neglect of Animal” (§ 4432); (ii) for “Cruelty to Animal” (§ 5533) the abuser must act “intentionally, knowingly or recklessly”; and (iii) for “Aggravated Cruelty to Animal” (§ 5534) the abuser must act either “intentionally” or “knowingly.”

• In the cases under the old statute, Tomey, Brodbeck and Shickora, the courts found guilty mental intent from the circumstances of the animals. Emaciation, lack of food, water, proper shelter and filthy surroundings were all “circumstantial evidence” of the bad mental intentions of the abusers. Under Libre’s Law, the same applies. It is the circumstances of the animals that establishes guilt for “neglect,” and for “cruelty” and “aggravated cruelty,” the courts will probably find that the abuser acted “intentionally” or “knowingly” from “circumstantial evidence.” HSPOs should take good photographs of
the seized animals and their surroundings to prove to the court that the abuser acted “intentionally” or “knowingly.”


Case is an appeal from a conviction for animal cruelty for performing body piercings and tail removals in an attempt to make “gothic kittens.” Defendant freely admitted to using rubber bands to remove kitten tails and using a needle commonly used for cattle to administer piercings to ears and scruffs to put in studs. No anesthesia was used. Kittens that were pierced were reported to be listless and docile (not as animated as normal kittens are) but otherwise in decent health save for some infections at the site of the piercings.

Defendant raised two issues:

I. Is the animal cruelty statute excessively vague to the point where charging her under it violated her Due Process rights?

II. Was there evidence enough to sustain a conviction where the Commonwealth did not present evidence of willful and malicious conduct?

Court held:

- Animal cruelty statute is not excessively vague.
  - When words not defined in the statute, use plain meaning.
  - “Common sense” standard – using a device meant for cattle to pierce something as small as kittens and tying off their tails so they lose blood flow and fall off clearly fits the dictionary definition of “maiming, disfiguring, torturing, etc.”, the terminology used in the statute. Ordinary person of reason can see that.
  - Just because specific acts are not listed does not mean they are not included. It would be impossible to list every possible act prohibited.
  - Difference between kittens and children: kitten ears and tails are instruments of survival and their function is impaired by this practice; humans are unaffected by ear piercings.

- There was sufficient evidence to sustain a conviction, where evidence of willful and malicious conduct was presented. “Circumstantial evidence” of defendant’s intent to maim or torture will suffice to convict, without “direct evidence” of defendant’s state of mind.

- Defendant freely admitted to disfiguring kittens without anesthesia because she thought it would be “neat.” This demonstrated awareness that conduct was of that nature.
• Evidence was clear that these procedures, including using a large needle designed for use on cattle, caused kittens great pain. This was evidence of conduct beyond ordinary recklessness.

• Provides definitions of maim, mutilate, torture and disfigure. Notably, it applies the same definition used in Comm. v. Pursell, which defined torture as it applied to humans. Pursell states that “torture” is “infliction of a considerable amount of pain and suffering which is unnecessarily atrocious” and the Crawford court finds that this definition is applicable not just to humans, but to animals as well.

After Libre’s Law:

• Crawford is applicable under 18 Pa.C.S. § 5534 using the statutory definition of “torture” under § 5531. Piercing the kittens’ ears with a needle commonly used for cattle and rubber banding the kittens’ tails as a method of docking satisfies the definition of severe and prolonged pain from wounding.

• The State’s veterinary expert testified that the ear piercings would be a great source of constant pain and irritation and the piercings at the scruff of the neck would cause the kitten to always feel like it was being dominated and bitten.

• The expert also testified that the banding would be extremely painful to a kitten as there are spinal nerves in the part of the tail where the band was placed.

• Crawford also remains applicable under § 5533 and warrants grading under 5533(b)(2) as a second-degree misdemeanor because the ill-treatment and abuse of the kittens resulted in bodily injury as defined under § 5531--impairment of physical condition or substantial pain.

• The kittens suffered bodily injury through the inappropriate piercings and docking. The veterinary expert testified that in addition to the pain from the piercings and banding, the kittens’ hearing could be altered from the ear piercings and that the kittens had been maimed, tortured and disfigured.

• Under Libre’s Law, a person is in violation of § 5533 if he “intentionally, knowingly or recklessly” ill-treats, overloads, beats, or abuses an animal. A person is in violation of § 5534 if he “intentionally or knowingly” commits one of the prohibited acts.

• The Court noted that “willful” conduct is the same as “knowing” conduct. Therefore, the circumstantial evidence that satisfied Crawford’s conviction under the prior statute’s willful and malicious standard is sufficient under the language of the Libre’s Law.


• On June 21, 2006 a deputy Sheriff went to defendant Lee’s residence to evict Lee and found a dog in poor condition inside of the garage. The dog was without food or water
and was surrounded by urine and feces. A Humane Society police officer arrived at the house and found the dog, skin and bones, huddled on the ground and unable to walk. She indicated the dog was suffering from starvation. He was transported, treated, and remained in intensive care for ten days.

- Defendant Lee was convicted of cruelty to animals under the prior law’s § 5511(a)(2.1)(i)(A). Lee was sentenced to four years of probation and was ordered to pay restitution amounting to $3,156.00 to the shelter.

- Lee appealed, arguing the length of probation exceeded the statutory maximum term of incarceration for the offense he was convicted of and thus the length was illegal. He also argued that the restitution was illegal since he was ordered to pay a third party who was not a victim and the restitution was determined 30 days after sentencing.

- The Superior Court vacated the probation sentence, as the statute only provided for a maximum term of two years’ probation. This issue was sent back to the lower court to be redetermined.

- On the matter of restitution, Lee pointed to two statutes to support his argument (42 Pa.C.S.A. § 9721(c) and 18 Pa.C.S.A. § 1106. However, the Superior Court recognized that the animal cruelty law under which he was convicted was independent authority, and that § 5511(l) of that law required restitution for the cost of keeping, care or destruction of animal where the owner is convicted for violating that law. The Superior Court also determined that the animal cruelty law in place at the time did not require the court to provide recommendation of costs at or prior to sentencing.

After Libre’s Law:

- Defendant Lee could have likely faced additional charges if these circumstances had arisen under Libre’s Law, 18 Pa. C.S. §§ 5531-5561. First, Mr. Lee could likely have been charged with violating § 5532 Neglect of Animal, as he had a duty of care to his dog, and failed to provide necessary sustenance and potable water, access to clean and sanitary shelter, and necessary veterinary care. Violation of this law would result in a summary offense unless the violation caused bodily injury to the animal or placed the animal at imminent risk of serious bodily injury, in which case violation would result in a misdemeanor of the third degree. If actual bodily injury or death had occurred, Mr. Lee could have been charged with violating § 5534, aggravated cruelty to animals, a felony of the third degree.

- Mr. Lee’s charge, cruelty to animal, is now codified at § 5433. A person violates this section where they ill-treat, overload, beat, abandon, or abuse an animal. Like neglect, a violation is a summary offense unless the violation caused bodily injury to the animal or placed the animal at imminent risk of serious bodily injury, in which case violation would result in a misdemeanor of the third degree. Again, if actual bodily injury or death had occurred, Mr. Lee could have been charged with violating § 5534, aggravated cruelty to animal, a felony of the third degree.
• Under Libre’s Law, Commonwealth v. Lee is still good law. Old § 5511(l), the statutory authority the court relied on in its decision, is now codified at § 5553 “Search Warrants.” Language within this section indicates that “where an animal seized is found to be neglected or starving, the police officer or agent is authorized to provide the care that is reasonably necessary...” The law also states that “the cost of the keeping, care and destruction of the animal shall be paid by the owner of the animal, and claims for the costs shall constitute a lien upon the animal.” Further, the language remains that “[i]n addition to any other penalty provided by law, the authority imposing sentence upon a conviction for a violation of this subchapter may require that the owner pay the cost of the keeping, care and destruction of the animal.”

• The statutory authority on which the court based its decision in Lee is still present in Libre’s Law, and thus, presumably, the decision is still good law.


• On June 24, 2005, two dogs owned by a neighbor were barking and running alongside appellant Ingram’s 1⁄4 acre pen in which he held his captive white-tailed deer. Appellant Ingram, disturbed by the dogs, shot and killed one dog and shot and wounded another. Appellant Ingram initially did not disclose his actions, but eventually contacted an Officer to admit his role. Ingram was arrested and charged with multiple offenses but was later only convicted of one count of cruelty to animals and sentenced to 72 hours to one year of imprisonment, following probation, community service and restitution. Ingram filed an appeal challenging his conviction under what was then 18 Pa.C.S.A. § 5511(a)(1)(i) Killing, Maiming, or Poisoning Domestic Animals or Zoo Animals. The statute at the time set forth affirmative defenses, one of which permitted the killing of an animal found in the act of actually destroying a domestic animal. Ingram also argued that he was permitted to kill the dog under 34 Pa.C.S.A. § 2384 Pennsylvania Game and Wildlife Code, and 3 P.S. § 459-501 of Pennsylvania’s Dog Law.

• The Superior Court of Pennsylvania rejected all of Ingram’s arguments on appeal. First, the Court found that not only were the deer not considered “domestic animals” within the animal cruelty law, but the dogs Ingram shot weren’t actually destroying the deer. Second, while the Game and Wildlife Code indicated nuisance dogs pursuing big game animal can be destroyed, a dog must actually be in pursuit of the animal, where here they are running along the perimeter of a fence and could not actually follow the deer to overtake them, nor was there any physical contact at all. Finally, the Dog Law that may have permitted a dog to be killed when they are in the act of wounding or killing an animal did not apply to the case because the dogs were not pursuing, wounding, or killing the deer. Further, the facts would have only triggered a section of the law permitting Ingram to detain the dog in a humane manner and did not provide a right to kill.

• The Court determined that the Commonwealth demonstrated the malice required to obtain conviction for cruelty to animals and affirmed the decision of the trial court.
After Libre’s Law:

- Ingram would likely have been convicted of § 5534 Aggravated Cruelty to Animals had the case arisen under Libre’s Law. This offense occurs when someone intentionally or knowingly commits animal cruelty and the violation causes death to the animal and is a felony of the third degree.

- While Libre’s Law still has an exemption at § 5561 for killing an animal found pursuing, wounding or killing a domestic animal or fowl, Ingram’s case would still not have fallen under this exemption since deer are not domestic animals or fowl and the dogs were not within the pen pursuing the animal.

- The decision in Comm. v. Ingram is still good law because the court’s analysis is still proper under Libre’s Law. The prior law Ingram was convicted under was graded as a misdemeanor of the second degree and required willful or malicious intent. However, the same facts to arise under Libre’s Law, the violation would likely be a violation of § 5534 “Aggravated Cruelty to Animals,” a felony of the third degree, which requires only that an offender knowingly or intentionally perpetrates an act of animal cruelty as defined under § 5533 and the violation results in death.


Defendant was convicted of conspiracy to commit cruelty, for giving a gun to her co-defendant, who then shot defendant’s ex-husband’s dog, Bouta, after smashing his skull with a shovel. Defendant claimed shooting Bouta was valid, as he had bitten her child; and an owner may use a firearm to destroy an owned animal. The Pennsylvania Supreme Court vacated the order of the Superior Court, which had ruled that the Rule of Lenity prohibited Kneller’s conviction due what the Superior Court saw as ambiguity in the Animal Destruction Method Authorization Law (“ADMA”) and Dog Law and that there is no malice if an animal is killed compliant with the ADMA. The Pennsylvania Supreme Court overruled the Superior Court and held:

- The facts from the trial level, viewed in the light most favorable to the Commonwealth as verdict winner, including no “immediate need” to kill the dog and the “unquestionably malicious beating of the dog before it was shot” provided sufficient evidence to support Kneller’s conviction. Emphasis added.

- The Superior Court should not have undone the conviction through the consideration of a dog owner’s authority to use a firearm as a method of euthanasia.

- After Libre’s Law:
  - Libre’s Law’s restructuring of the Cruelty Code resulted in not only the reclassification of a number of offenses but also the elimination of maliciousness as the mental intent portion of those offenses. § 5534 is most applicable to the Kneller case which establishes only “intentionally” or “knowingly” as the mental intent of the offense.
• Therefore, it is unnecessary to consider whether the act was done maliciously or not. Under Libre’s Law, the court could more easily find guilt.

• In light of the Pennsylvania Supreme Court decision and in Libre’s Law, the facts in Kneller would be animal cruelty because there was no immediate need to kill the dog and because it was beaten prior to the killing.

*Sneath v. PSPCA, 929 A.2d 1169 (Pa. Super. 2007)*

PSPCA sued by plaintiff for state law negligence and conversation claims as well as federal law civil rights violations. PSPCA claimed it had both sovereign immunity and governmental immunity under the Political Subdivision Tort Claims Act.

**Court held:**

• Sovereign Immunity?
  
  • No. PSPCA is not a Commonwealth entity. It is a private non-profit organization. Its bylaws and appointment of board members are handled directly within the agency itself. There is no Commonwealth control over the PSPCA and it is therefore not a Commonwealth Agency.

• Political Subdivision Tort Claims Act?
  
  • No. Intent of the Act is to stop suits that would harm the local government. No government function is impaired by suits against the PSPCA. No government control over them.

  • Upheld in PSPCA v. Sneath, 985 A.2d 909 (Pa. 2009). Court said PSPCA is not a local subdivision. It is not created by a political subdivision but by the General Assembly. It is not a government unit and therefore not immune.

  • Tort Claims Act’s purpose would not be served by granting PSPCA immunity. It is not a Commonwealth agency. Despite enforcing animal cruelty laws, it is an entirely private agency with no Commonwealth Control.

Decision upheld by the Pennsylvania Supreme Court in *PSPCA v. Sneath, 985 A.2d 909* (Pa. 2009)

**After Libre’s Law:**

• This case is still good law for:
  
  • Sovereign Immunity does not apply to HSPOs and their animal welfare organizations

  • PSTCA does not apply to HSPOs and their animal welfare organizations
• BUT the immunity that is granted to HSPOs in Libre’s Law appears to be of a different nature than those types of immunities discussed in Snead and thus has not yet been addressed for state law claims.

• AND part of the analysis in the Pennsylvania Supreme Court decision hinged on whether or not the legislature intended an animal welfare agency to be a Commonwealth agency. The Pennsylvania Supreme Court found no such intention in the creation of HSPOs or their organizations at the time. With new, relevant language in Libre’s Law, we clearly have legislative intent for HSPOs to be protected from liability for state law claims. Whether this is enough for HSPOs to be protected under the PSTCA remains to be litigated.

• See below for discussions on federal claims.


Qualified immunity not generally available to HSPOs when they enforce cruelty laws.

Exception:

• When they serve as adjunct to government in essential government activity and have close official supervision.

• In Kaufman:

  • HSPOs went undercover to investigate inhumane conditions at a puppy mill. No one knew of their operation except the officers themselves, hence no immunity. Kaufman

After Libre’s Law:

• Neither HSPOs nor their animal welfare organization have immunity for federal civil rights violations. This means that they can still be sued and be personally liable.

• Constitutional civil rights violations are on the federal level and fall under 4 U.S.C. 1983. A state law cannot overrule, or preempt, federal constitutional protections.


In this case, a man drowned a raccoon in a rain barrel full of water. He was found guilty under Libre’s Law. Specifically, he was convicted under § 5534(a)(2) (Aggravated cruelty to animal) of intentional cruelty causing the death of the animal—a felony of the 3rd degree.

First, Judge Manning determined that a raccoon is an “animal” for purposes of the animal cruelty statute. For this purpose, he adopted the Pa. Agriculture Code’s definition of “animal,” which is very broad. 3 Pa.C.S.A. § 2303:
• “A living nonhuman organism having sensation and the power of voluntary movement and requiring for its existence oxygen and organic food.”

Next, the judge determined that Pennsylvania law prohibits “drowning” as a means of destroying an animal. Again, the Judge consulted the Pa. Agriculture Code’s “Prohibited means of destruction of an animal,” 3 P.S. § 328.301, which lists five illegal methods of killing an animal, summarized and paraphrased (by your editor) as follows:

• A high altitude decompression chamber or device.
• Unacceptable agents and methods prohibited by the American Veterinary Medical Association’s Guidelines on Euthanasia.
• Drowning.
• Chloroform, ether, halothane or fluothane.
• Carbon monoxide gas from any source.

Finally, the Judge determined that the defendant could not successfully use the protection of § 5561 of Libre’s Law, which permits:

• “Reasonable activity . . . undertaken with vermin control or pest control.”

The Judge found a raccoon was not a “vermin” or “pest” despite knocking over garbage cans and foraging for food, which dogs and cats do also. “Vermin” are insects, mice and rats that spread disease. This case was the first known successful prosecution under Libre’s Law.
4. Civil Remedies-The Costs of Care Act and Disposition Petitions

Although an HSPO ordinarily operates in criminal court, you should be aware that there are civil court remedies to obtain (i) reimbursement for the costs of care of an abused animal, and (ii) ownership of an abused animal that you have seized. The Pennsylvania Costs of Care of Seized Animals Act, 18 P.S. §30.1 et seq., (the “COC Act”) became effective in September 2013. The intent of the COC Act is to provide a civil remedy for prompt reimbursement to humane societies of the costs of care of seized animals in cases where criminal charges are filed, but where a criminal conviction and restitution order may be delayed.

The COC Act requires a court to “schedule” a hearing within 14 to 21 days after service of the petition for reimbursement of the costs of care. However, the court is not required to “hold” a hearing within the same timeframe. Nevertheless, it is hoped that a very prompt hearing will be held.

A COC Act civil suit can also be used as a method of gaining legal title to a seized animal if a court order directing the reimbursement of the costs of care (a “Costs Order”) is entered but the defendant does not pay promptly. A defendant is required to pay in accordance with the terms of a Costs Order within 7 days after service of the Order on the defendant.

Section 7 of the COC Act provides for “termination” of a Costs Order upon certain events, including final judgment on the criminal charges, or if an owner surrenders his rights to the animals. “Termination” is intended to mean that the daily costs of care charges cease to accrue on the “termination date,” and it is not intended to mean that the Costs Order ceases to be enforceable regarding the costs of care that have accrued prior to the “termination date.”

The “reasonable costs of care” include the costs of food, water, shelter and medical care, beginning at the date of seizure and continuing until “termination” of a Costs Order. Such costs are limited to $15 per day per animal, in addition to necessary medical care, as determined by a veterinarian and documented by invoices, and also including the court filing fee for the petition for reimbursement of costs of care.

Another, simpler method of gaining legal title to an abused animal, especially where it has been abandoned by the owner, is a civil “disposition” law suit. The Pennsylvania SPCA files civil disposition suits in Philadelphia and surrounding counties on a regular basis for the purpose of gaining title to animals without seeking reimbursement of the costs of care against the abusive owner. These cases are sometimes decided within 60 to 90 days after seizure of the animal.