

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 826 Session of  
2011

INTRODUCED BY SCAVELLO, BRADFORD, BRENNAN, BUXTON, CALTAGIRONE,  
CARROLL, D. COSTA, CRUZ, DAVIS, J. EVANS, FRANKEL, GILLESPIE,  
GINGRICH, GOODMAN, GRELL, HARHART, HARKINS, HENNESSEY,  
W. KELLER, KILLION, KORTZ, MANN, MURT, MUSTIO, M. O'BRIEN,  
READSHAW, REICHLEY, SANTONI AND VULAKOVICH, FEBRUARY 28, 2011

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 28, 2011

## AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of cruelty to animals.

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

Section 1. Section 5511(c)(1) of Title 18 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a subsection to read:

§ 5511. Cruelty to animals.

\* \* \*

(c) Cruelty to animals.--

(1) A person commits an offense if he wantonly or cruelly illtreats, overloads, beats, otherwise abuses any animal, or neglects any animal as to which he has a duty of care, whether belonging to himself or otherwise, or abandons any animal, or deprives any animal of necessary sustenance, potable drink, shelter or veterinary care, or access to clean

and sanitary shelter which will protect the animal against inclement weather and preserve the animal's body heat and keep it dry.

\* \* \*

(c.1) Tethering of dogs.--

(1) Except as otherwise provided under paragraph (2), a person commits a summary offense if the person tethers a dog outside and unattended to any stationary object by use of a restraint between the hours of 10 p.m. and 6 a.m. or fails to satisfy the following:

(i) The tether used shall be placed or attached so that the dog cannot become entangled with other objects and to allow the dog to roam the full range of the tether. The tether must be of a type commonly used for the size of dog involved. No tow chain may be used.

(ii) The tether must be attached to the dog by means of a well-fitted collar or body harness that will not cause trauma or injury to the dog. No choke, pinch, prong or other chain collar may be used.

(iii) The tether must be a minimum of six feet long or at least five times the length of the dog as measured from the tip of its nose to the base of its tail, whichever is longer, and must allow the dog convenient and unfettered access to shelter and food and water containers. The tether may not become wrapped around any appendage such that it restricts the dog's movement.

(iv) While tethered, the dog must be provided with protection from the direct rays of the sun, and at least one area of shade other than the shelter must be provided.

(v) A tethered dog must be free of open sores or wounds on its body.

(vi) A dog may not be tethered outside during periods of extreme weather such as periods of unusually cold or hot temperatures, or when a weather advisory or warning has been issued.

(2) The following activity shall not result in an offense under paragraph (1):

(i) Tethering a dog for a period not to exceed 15 minutes as long as the dog is not in danger or a nuisance or does not put the public in danger.

(ii) Tethering a dog while actively engaged in or actively training for an activity that is conducted pursuant to a valid license issued by the Commonwealth if the activity for which the license is issued is associated with the use or presence of a dog.

(iii) Tethering a dog that is used in the course of commercial agricultural production or is used for the protection of commercial farm property, agricultural supplies or products.

(iv) Tethering a dog while actively participating in or attending an organized dog show, field trial, agility event, herding contest or other similar exposition or event, of a limited duration, that involves the judging or evaluation of dogs.

(v) Tethering a dog being raised, trained or utilized for sled racing so long as the dog is regularly untethered for exercise and training.

(vi) Tethering a dog pursuant to the requirements of a camping or recreational area.

(3) A person who commits an offense under this subsection may, upon conviction, and in addition to any other penalty authorized by law, be subject to forfeiture of the dog.

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Section 2. This act shall take effect in 60 days.