

by accident shall be mounted or retained in possession, except pursuant to a permit obtained from the commission.

Any person violating any of the provisions of this section shall be liable to the penalty hereinafter provided.

APPROVED—The 17th day of December, A. D. 1965.

WILLIAM W. SCRANTON

No. 437

AN ACT

HB 1588

Relating to dogs; regulating the keeping of dogs; providing for the licensing of dogs and kennels; providing for the protection of dogs and the detention and destruction of dogs in certain cases; regulating the sale and transportation of dogs; declaring dogs to be personal property and the subject of larceny; providing for the assessment of damages done to livestock, poultry and domestic game birds; providing for payment of damages by the Commonwealth in certain cases and the liability of the owner or keeper of dogs for such damages; imposing powers and duties on certain State and local officers and employes; providing penalties, and repealing certain acts.

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

ARTICLE I

SHORT TITLE AND DEFINITIONS

Section 101. This act shall be known and may be cited as the "Dog Law of 1965."

Section 102. For the purpose of this act, the following terms shall have the following meanings, respectively designated for each:

(1) The term "livestock" shall include members of the equine, bovine, ovine, and porcine species, confined domesticated hares, rabbits, and mink.

(2) The term "poultry" shall include all domestic fowl.

(3) The term "domestic game bird" shall include all game birds, as defined by "The Game Law" of the Commonwealth, which are kept in captivity.

(4) The word "persons" shall include State and local officers, or employes, individuals, corporations, copartnerships, and associations. Singular words shall include the plural. Masculine words shall include the feminine and neuter.

(5) The word "owner" when applied to the proprietorship of a dog, shall include every person having a right of property in such dog, and every person who keeps or harbors such dog or has it in his care, and

every person who permits such dog to remain on or about any premises occupied by him.

(6) The term "kennel" shall mean any establishment wherein dogs are kept for the purpose of breeding, boarding, sale, or show purposes, and which is so constructed that dogs cannot stray therefrom.

(7) The term "police officer" shall mean any person employed or elected by this Commonwealth, or by any municipality, county or township, and whose duty it is to preserve peace or to make arrests or to enforce the law. The term includes State constabulary, game, fish and forest wardens.

ARTICLE II LICENSES, TAGS, KENNELS

Section 201. On or before January 15, 1966, and on or before January 15th of each year thereafter, the owner of any dog six months old or over, except as hereinafter otherwise provided, shall apply to the county treasurer of his respective county on a form prescribed by the Department of Revenue, for a license for such dog owned or kept by him. Such application shall state the breed, sex, age, color and marking of such dog, and the name and address of the last previous owner; and shall be accompanied by a license fee of one dollar (\$1) for each male dog and for each spayed female dog for which the certificate of a veterinarian or the affidavit of the owner is produced, and by a license fee of two dollars (\$2) for other female dogs, and an additional fee of twenty cents (20¢) for the issuing, recording and reporting said license fees. The county treasurers of the several counties of this Commonwealth shall be agents of the Commonwealth for the collection of said license fees. The said agents shall be allowed to retain the sum of twenty cents (20¢) from the amount paid by each licensee for his reimbursement of expenses incurred in issuing, recording and reporting of such licenses. All such license fees shall be remitted to the State Treasurer, through the Department of Revenue.

Section 202. Each license shall be dated and numbered, and shall bear the name of the county where such license is issued and a description of the dog licensed. All licenses shall be void upon the fifteenth day of January of the following year. A tag bearing the same number issued with the license shall be affixed to a substantial collar or harness. The collar or harness shall be furnished by the owner, and, with the tag attached, shall at all times be kept on the dog for which the license is issued, except as otherwise provided in this act.

It shall be unlawful for any person, except the owner or his authorized agent, or an agent of the Department of Agriculture, to remove any li-

license tag from a dog collar or harness or to remove any collar or harness with a license tag attached thereto from any dog, except as provided in section 717 of "The Game Law."

Section 203. The Department of Revenue shall prepare and furnish annually to the treasurer of each county of the Commonwealth, tags to be given by the county treasurer to the owners of dogs when such owners shall pay the license fee for said dogs. Such tags shall bear the name of the county where such license is issued, and a serial number corresponding with the number on the license issued to said owner, as provided in the preceding section of this act.

Such tags shall also have impressed thereon the calendar year for which such tag is valid, and shall not contain more than one square inch of area within the ears, or fastening device. The general shape of said tag shall be changed from year to year.

If any such tag is lost, it shall be replaced by the county treasurer, upon application by the person to whom the original license was issued and upon production of such license certificate and the payment of a fee of twenty-five cents (25¢) for the use of the county treasurer for the issuance thereof.

Section 204. Any justice of the peace, alderman, magistrate, notary public or other bonded approved ¹ agent, as authorized by the county treasurer for the convenience of the public, within the Commonwealth, who has qualified by having applied to the county treasurer of his county for and received application forms and license tags, may issue dog licenses, for which service the applicant shall pay twenty cents (20¢) in addition to the license fee prescribed as the cost of each dog license and the compensation of the county treasurer. All records of any such license sales shall be forwarded to the county treasurer who shall be responsible for maintaining complete county records. Application forms shall be made available to all justices of the peace, aldermen, magistrates and notaries public. Said twenty cents (20¢) shall be retained by said agent or official if he completes the application.

Section 205. Any person other than as exempt in section 208 hereof, becoming the owner after the fifteenth day of January of any year, of any dog, six months old or over, which has not already been licensed, or any person owning or keeping a dog which becomes six months old at any time after the fifteenth day of January of any year, shall forthwith apply for and secure, from the county treasurer or his agent of the county where such dogs are kept, a license for such dog in the same manner as the annual license is obtained under the provisions of this act.

¹ "agents" in original.

Section 206. It is unlawful to transfer a license or license tag issued for one dog to another dog, except as otherwise provided in this act. Whenever the ownership or possession of any dog is permanently transferred from one person to another within the same county, the license of such dog may be likewise transferred, upon notice given to the county treasurer. This act does not require the procurement of a new license, or the transfer of a license already secured, when the possession of a dog is temporarily transferred for the purpose of hunting game, or for breeding, trial or show, in this Commonwealth.

Section 207. Whenever any dog licensed in one county is permanently removed to another county, the county treasurer of the county where the license was issued shall, upon the application of the owner or keeper of such dog, certify such license to the treasurer of the county to which the dog is removed. Such treasurer shall thereupon, and upon the payment of a fee of twenty-five cents (25¢), issue a license and tag for such dog in the county to which it is removed.

Section 208. ¹ Any person who keeps or operates a kennel, may in lieu of the license for each dog required by this act, apply to the county treasurer for application for a kennel license to keep or operate such kennel. The county treasurer shall forward all such applications for kennel license to the Secretary of Agriculture for approval before issuing said kennel license. Applications must be made at least thirty days prior to issuance of a kennel license. The county treasurer shall, after receiving such approved application, issue kennel licenses of the following description :

Class "A" Kennel

To keep or operate a kennel for ten dogs or less for the purpose of boarding, breeding, showing or hunting and the selling of dogs for these purposes only—fifteen dollars (\$15) per year.

Class "B" Kennel

To keep or operate a kennel for eleven to twenty dogs for the purpose of boarding, breeding, showing or hunting and the selling of dogs for these purposes only—twenty-five dollars (\$25) per year.

Class "C" Kennel

To keep or operate a kennel for more than twenty dogs for the purpose of boarding, breeding, showing or hunting and the selling of dogs for these purposes only—thirty-five dollars (\$35) per year.

Class "D 1" Kennel

To keep or operate a kennel involving the sale of less than five hundred dogs during the license year for the purpose of breeding or buying and

¹ "(a)" in original.

selling dogs to laboratories, hospitals or other establishments for research or any other similar purpose—one hundred dollars (\$100) per year.

Class "D 2" Kennel

To keep or operate a kennel involving the sale of five hundred to five thousand dogs during the license year for the purpose of breeding or buying and selling dogs to laboratories, hospitals or other establishments for research or any other similar purpose—two hundred fifty dollars (\$250) per year.

Class "D 3" Kennel

To keep or operate a kennel for more than five thousand dogs during the license year for the purpose of breeding or buying and selling dogs to laboratories, hospitals or other establishments for research or any other similar purpose—five hundred dollars (\$500) per year.

Out of state kennel operators of Class D 1, Class D 2 and Class D 3 kennels who transport dogs into the Commonwealth of Pennsylvania for the purpose of selling dogs to laboratories, hospitals or other establishments for research or any other similar purpose shall be required to obtain kennel licenses from the Department of Revenue who shall forward all such applications to the Secretary of Agriculture for approval before issuing said license.

Class "E" Kennel

Animal Rescue Leagues, Societies for the Prevention of Cruelty to Animals and Animal Humane Societies, who are legally constituted law enforcement agencies and approved medical and veterinary schools and nonprofit institutions conducting medical and scientific research shall be required to register, but shall not be required to pay any of the foregoing or following license fees, and may use their own identification tags for dogs within their kennels without being required to attach tags hereinafter prescribed while dogs are within such kennels, if approved by the Secretary of Agriculture.

Kennel licenses are to be issued only by the county treasurer and the applicant shall also pay an additional fee of twenty-five cents (25¢) for the services of the county treasurer in issuing, recording, and reporting said kennel license to the Department of Revenue and remitting the license fee to the State Treasurer through the Department of Revenue. With each kennel license the county treasurer shall issue a number of tags equal to the number of dogs authorized to be kept in the kennel, except that in kennels where more than fifty dogs are kept there shall be an additional charge of twenty-five cents (25¢) for each dog tag required in excess of fifty. All such tags shall bear the name of the county where it is issued, the number of kennel licenses, and shall be readily distin-

guishable from the individual license tags for the same year by the letter "K" being inscribed on such tags.

Section 209. Whenever any person who keeps or operates a kennel permanently removes a kennel to another county, the county treasurer of the county where the license was issued shall, upon the application of the person who keeps or operates a kennel, certify such license to the treasurer of the county to which the kennel is removed. Such treasurer shall thereupon and upon the payment of a fee of twenty-five cents (25¢), issue a license and tags equal to the number of dogs authorized to be kept in the class of kennel for the county to which the kennel is removed. An additional service fee of ten cents (10¢) for each tag issued shall be paid to the issuing agency.

Kennels of all classes shall be maintained in a sanitary and humane condition in accordance with regulations and sanitary codes promulgated by the Secretary of Agriculture. Dogs transported from and to kennels of all classes shall be transported in a sanitary and humane manner in accordance with regulations and sanitary codes promulgated by the Secretary of Agriculture. It shall be the duty of the agents of the Pennsylvania Department of Agriculture to inspect kennels. Kennel licensees shall be required to have in their possession a bill of sale for each dog transported to and from kennels, except for dogs delivered to the kennel licensee for purposes of boarding and except for dogs born on the kennel licensee's premises, and any bill of sale which is fraudulent or indicates larceny of any dog shall be the grounds for immediate revocation of license. The bill of sale shall contain such information as shall be prescribed by the Department of Agriculture.

Section 210. The licensee of a kennel shall keep one of such tags attached to a collar of each dog six months old or over, kept by him under a kennel license, when and during such time as such dog is without the kennel. Such tags may be transferred from one dog to another whenever any dog is removed from the kennel. No dog kept under a kennel license shall be permitted to stray anywhere outside the limits of the kennel. Every keeper of a kennel shall keep a permanent record of each dog at any time kept in the kennel. Such record shall show: (1) the breed, color, markings, sex and age of each dog; (2) the date on which each dog entered the kennel; (3) where it came from; (4) to whom it belongs; (5) for what purpose each dog is kept in the kennel; (6) the date on which each dog leaves the kennel; (7) how and to whom it is disposed of. Such record shall be open to inspection by any police officer or agent of any legally constituted law enforcement agency.

Section 211. The Secretary of Agriculture shall have the power to

revoke or refuse to issue any class of kennel license for conviction of any violation of the "Dog Law of 1965" or conviction for any violation of any law relating to cruelty to animals.

Section 212. Any person may bring, or cause to be brought into the State, for a period of thirty days, one or more dogs for show, trial, or breeding purposes or as a household pet without securing a Pennsylvania license, and any person holding a Pennsylvania nonresident hunting license may, without securing a license or licenses therefor, bring or cause to be brought into the State one or more dogs for the purpose of hunting game during any hunting season when hunting with dogs is permitted by law, if a similar exemption from the necessity of securing dog licenses is afforded for hunting purposes to residents of Pennsylvania by the state of such person's residence: Provided, however, That each dog is equipped with a collar bearing a name plate giving the name and address of the owner.

Section 213. It shall be unlawful for any dog to be transported for any purpose without a current license firmly attached to a collar or harness securely fastened to the dog except when a dog is being transported for law enforcement or humane purposes.

Section 214. It shall be unlawful to bring any dog, other than household pets and those excepted under the provisions of section 212, into Pennsylvania without a certificate of health prepared by a licensed, graduate veterinarian and approved by the proper livestock sanitary official of the state of origin, which certificate shall accompany such dogs while in Pennsylvania. Such certificate shall state that the dogs are free from symptoms of any infectious or communicable disease and did not originate within an area under quarantine for rabies; and by reasonable investigation, have not been exposed to rabies within one hundred days prior to importation.

Section 215. It shall be unlawful to sell, barter or trade any dog at any public place other than at registered kennel locations, dog shows, or field trials sponsored by a recognized breed or kennel association.

Section 216. The county treasurer shall keep a record of all dog licenses and all kennel licenses and all transfers issued during the year. Such record shall contain the name and address of the person to whom each license or transfer is issued. In the case of an individual license, the record shall also state the breed, sex, age, color and markings of the dog licensed; and in the case of a kennel license, it shall state the place where the business is conducted. The record shall be a public record and open to persons interested during business hours.

Whenever the ownership or possession of any dog licensed under the

provisions of this act is transferred from one person to another, as provided in section 206 of this act, except the temporary transfer of dogs for hunting purposes or for breeding, trial, or show, such transfer shall be noted on the record of the county treasurer and be so reported to the Department of Revenue.

Section 217. The county treasurer shall keep an accurate record for two years of all license fees, fines and penalties collected by him or paid over to him by any justice of the peace, alderman, magistrate, or notary public, and of all money received from the sale of dogs. Such record shall be a public record and open to persons interested during business hours. License fees as hereinbefore provided and all fines shall be remitted by the county treasurer to the State Treasurer through the Department of Revenue on or before the fifteenth day of each calendar month together with a report in duplicate of each payor on forms furnished by the Department of Revenue.

Section 218. On and after January 15, 1966, it shall be unlawful for any person to own or keep any dog six months old or over, unless such dog is licensed by the treasurer of the county in which the dog is kept, and unless such dog at all times, other than for field trial or show purposes, wears the collar or harness and tag provided for by this act, unless such dogs are temporarily brought into the State for breeding, hunting, trial, or show purposes as hereinbefore provided.

Section 219. The provisions of this act relating to the payment of fees and other charges shall not apply to any blind person owning a guide dog. License tags for guide dogs for the blind shall be issued without charge.

ARTICLE III DOGS AT LARGE

Section 301. It shall be the duty of every police officer to seize and detain any dog which is found running at large, either upon the public streets or highways of the Commonwealth, or upon the property of other than the owner of such dog, and unaccompanied by the owner or keeper. It shall be the privilege of every police officer to kill any dog which is found running at large and is deemed after due consideration by the police officer to constitute a threat to the public health and welfare. The chief of police or his agents of any city, borough, town and township, the constable of any borough, and the constable of any incorporated town or township, shall cause any dog bearing a proper license tag and so seized and detained to be properly kept and fed, and shall cause immediate notice, either personal or by registered mail, to be given to the person in whose name the license was procured, or his agent, to claim

such dog within ten days. The owner of a dog so detained shall pay a penalty of five dollars (\$5) to the political subdivision whose police officers make such seizures and detention, and all reasonable expenses incurred by reason of its detention to the detaining parties before the dog is returned.

If, after ten days from the giving of such notice, such dog has not been claimed, such chief of police, or his agent, or a constable, shall dispose of such dog by sale or by destruction in some humane manner. No dog so caught and detained shall be sold for the purpose of vivisection. All moneys derived from the sale of such dog, after deducting the expenses of its detention, shall be paid to the county treasurer, and by him paid to the State Treasurer through the Department of Revenue.

ARTICLE IV

DUTY OF OFFICERS

Section 401. It shall be unlawful for any police officer to fail or refuse to perform his duties under the provisions of this act, and to refuse to assist in the enforcement of this law upon request of the Secretary of Agriculture.

It shall be unlawful for any person to interfere with any officer or agent in the enforcement of this law.

It shall be unlawful for any person to forcibly cut the leash or take a dog away from such officer having it in his possession, when found running at large unaccompanied by the owner or keeper.

It shall be unlawful for any person to whom a license certificate has been issued to fail or refuse to produce the license certificate for such dog upon demand of any police officer or agent of the department.

ARTICLE V

OFFENSES OF DOGS

Section 501. Any person may kill any dog which he sees in the act of pursuing, worrying, or wounding any livestock, or wounding or killing poultry, or attacking human beings, whether or not such a dog bears the license tag required by the provisions of this act. There shall be no liability on such persons in damages or otherwise for such killing.

Any dog that enters any field or inclosure where livestock or poultry are confined, shall constitute a private nuisance and the owner or tenant of such field, or their agent or servant, may detain such dog and turn it over to the local police authority. While so detained, the dog shall be treated in a humane manner.

Licensed dogs, when accompanied by their owner or handler, shall not be included under the provisions of this section, unless caught in the act of worrying, wounding or killing any livestock, or wounding or killing

poultry, or attacking human beings.

Any person who has been attacked by a dog, or anyone for such person, may make a complaint before a magistrate, alderman, or justice of the peace, charging the owner or keeper of such dog with harboring a vicious dog. A copy of such complaint shall be served upon the person so charged, in the same manner and subject to the same laws regulating the service of summons in civil suits, directing him to appear for a hearing of such complaint at a time fixed therein. If such person shall fail to appear at the time fixed, or if, upon a hearing of the parties and their witnesses, the magistrate, alderman or justice of the peace shall find the person so charged is the owner or keeper of the dog in question and that the dog has, viciously and without cause, attacked a human being when off the premises of the owner or keeper, such official shall order the said owner or keeper to henceforth keep such dog securely confined.

For his services in such proceedings, the magistrate, alderman, or justice of the peace and the constable shall be entitled to the same fees they are entitled to for performing similar services in criminal cases. In all proceedings under this section such official shall place the costs upon either party as he may determine.

It shall be unlawful for the owner or keeper of any vicious dog, after receiving such order, to permit such dog to run at large, or to appear on the public highways unless in leash. Any such dog found running at large may be killed by any constable or police officer without liability for damages for such killing.

Any owner or keeper who does not keep a vicious dog confined when so ordered shall, upon summary conviction, be sentenced to pay a fine of not less than one hundred dollars (\$100) and not more than three hundred dollars (\$300). The magistrate, alderman, or justice of the peace, shall also require the owner or keeper of the vicious dog to post bond with sufficient surety in the amount of five hundred dollars (\$500) to insure payment of damages or injuries caused by the vicious dog.

ARTICLE VI INJURY TO DOGS

Section 601. All dogs are hereby declared to be personal property and subjects of larceny. Except as provided in section 501 of this act and in section 717 of "The Game Law," it shall be unlawful for any person, except a police officer, to kill, injure, or to attempt to kill or injure, any dog which bears a license tag for the current year.

It shall be unlawful for any person to place any dog button or any poison of any description in any place, on his own premises or elsewhere, where it may be easily found and eaten by dogs.

It shall be unlawful for any person to abandon or attempt to abandon any dog within the Commonwealth.

ARTICLE VII CONFINEMENT OF DOGS

Section 701. It shall be unlawful for the owner or keeper of any female dog to permit such female dog to go beyond the premises of such owner or keeper at any time she is in heat, unless such female dog is properly confined.

Section 702. It shall be unlawful for the owner or keeper of any dog to fail to keep at all times such dog either (1) confined within the premises of the owner, or (2) firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured, or (3) under the reasonable control of some person, or when engaged in lawful hunting or field training accompanied by an owner or handler.

ARTICLE VIII LIVESTOCK AND POULTRY DAMAGE

Section 801. Whenever any person sustains any loss by dogs to any livestock or poultry or to game birds raised in captivity, and while confined within an inclosure, or if any person sustains loss of livestock from rabies, or if any livestock or poultry or game bird raised in captivity, and while confined within an inclosure, is necessarily destroyed because of having been bitten by a dog, except when such loss, destruction or damage, with the exception of loss by rabies, shall have been caused by a dog harbored by the owner of such livestock or poultry or domestic game bird, such person or his agent or attorney may, immediately after the damage was done, complain to a duly authorized agent of the Department of Agriculture. Such complaint shall be in writing, shall be signed by the person making such complaint, and shall state when, where and how such damage was done, and by whose dog or dogs, if known, or when the animal died from rabies or was killed because of rabies. Claims covering damage due to rabies shall be made immediately following the death of the animal, and shall be supported by a certificate from a licensed and duly qualified veterinarian and a report from any laboratory approved by the Department of Agriculture, to the effect that such animal was affected with rabies. It shall not be necessary to prove that an animal dying from or killed because of rabies was actually bitten by a dog. The presumption shall exist that such animal was so bitten. Upon receipt of such notice, the agent of the Department of Agriculture shall at once examine the place where the alleged loss or damage was sustained and the livestock or poultry or domestic game bird injured or killed, or

in case of rabies where it died or was killed. The agent of the Department of Agriculture shall then fix a time for taking testimony relative to such claim and shall give notice of such time to the claimant and to the dog owner, if known. The agent of the Department of Agriculture shall examine under oath or affirmation, any witness called before him. After making diligent inquiry in relation to such claim, such appraiser shall determine whether any damage has been sustained and the amount thereof, and, if possible, who was the owner of the dog or dogs by which such damage was done. If the owner of the dog or the owner of the livestock or poultry does not agree as to the amount of damage allowed by the appraiser, the owner requesting the appraisal and the appraiser may appoint a disinterested citizen to assist in determining the amount of damage sustained. For such services, the said disinterested citizens shall receive five dollars (\$5) and mileage at ten cents (10¢) per mile for the distance traveled, which shall be paid by the owner requesting the appraisal.

Any owner or keeper of such dog or dogs except in the case of rabies shall be liable to the Commonwealth to the extent of the amount of damages and costs paid by the Commonwealth as hereinafter provided.

When the inhabitants of any city, borough, town, or township, or of any part thereof, have suffered an excessive amount of damage by dogs to livestock or poultry or domestic game birds, a petition may be presented to the Secretary of Agriculture, signed by twenty or more of such residents who are owners of livestock or poultry or domestic game birds, alleging such excessive damage and requesting that a quarantine be placed on all dogs within the limits of such city, borough, town, or township, or such part thereof. Upon receipt of such petition, the Secretary of Agriculture may, through his authorized agents, have an investigation made of the facts alleged therein and, if convinced that conditions in such city, borough, town, or township, or such designated area, demand such stringent measures, he may establish a dog control quarantine therein.

When such quarantine is established, at least ten notices thereof shall be posted throughout the area affected thereby, and notice thereof shall also be published in at least one issue of a newspaper of general circulation throughout such city, borough, town, or township.

It shall be unlawful for any person, residing in the area affected by such quarantine, to permit a dog, owned or harbored by him to run at large in such quarantined area, or to leave the premises where it is kept, unless accompanied by and under the control of himself or a handler.

Any police officer may kill any dog running at large in a quarantined

area, in violation of such quarantine, without any liability for damages for such killing.

Section 802. If upon receiving such report it appears that a certain amount of damage has been sustained by the claimant, the Secretary of Agriculture shall immediately draw a requisition in favor of the claimant for the amount of loss or damage such claimant has sustained according to such report, together with necessary and proper costs incurred. Such amount shall be paid from the appropriations to the Department of Agriculture made for this purpose. No payment shall be made for any item which has already been paid by the owner of the dog or dogs doing the injury or damage. The fact that no such payment shall be made shall be certified by the appraiser. If such report is not approved, and it is deemed advisable, a further investigation may be made by the Secretary of Agriculture, through his officers or agents to ascertain the amount of damage sustained. No person shall receive payment for any claim until the appraiser, before whom the claim was made, has certified that due diligence was made to ascertain whose dog or dogs did the damage, and the claimant has certified that the carcasses of the livestock or poultry killed or dying from or killed because of rabies and for which damages have been assessed were buried within twenty-four hours after the assessment of damages. The owners of any livestock or poultry killed by dogs, or livestock dying from or killed because of rabies, or livestock necessarily destroyed because of having been bitten by a dog other than a dog harbored by such persons, may be paid a disposal fee, as follows: For each equine or bovine animal, one dollar and fifty cents (\$1.50); for each ovine or porcine animal, one dollar (\$1) each for the first three animals, and fifty cents (50¢) for each additional animal; for each head of poultry or domestic game bird, domestic hare or rabbit, ten cents (10¢) each, to be included in said report and paid as other damages under this section.

Upon payment by the State of damages ¹ to livestock or poultry or domestic game bird by dogs, the rights of the owner of such livestock or poultry or domestic game bird against the owner of a dog, to the extent of the amount of damages so paid by the State, shall inure to the benefit of the State.

Section 803. If, in the report of the appraiser, the name of the owner of any dog or dogs having caused loss or damage to any livestock or poultry is definitely and conclusively shown, or if a written complaint is filed with the Secretary of Agriculture by any owner of livestock or poultry against any dog or dogs, stating that such dog or dogs has or

¹ "of" in original.

have been seen pursuing or worrying livestock or poultry, and if such charge is proven by investigation on the part of the Secretary of Agriculture, he may notify the owner or keeper of such dog or dogs, to immediately kill the same; whereupon it shall be unlawful and a violation of this act for such owner or keeper to permit or cause such dog or dogs, while alive, to leave or be removed from such premises. The killing of such dogs does not remove the liability of the owner of such damage done by his dog or dogs.

Upon failure, however, of such owner to comply with such order within a period of ten days, the Secretary of Agriculture may authorize the killing of such dog or dogs wherever found.

Any person who owns or harbors an unlicensed dog or dogs shall forfeit any right to be reimbursed for any damage to his livestock or poultry by dogs.

ARTICLE IX STATEMENTS AND PROOF

Section 901. It is unlawful for any person knowingly to make any false statement or to conceal any fact required to be disclosed under any of the provisions of this act.

Section 902. In any proceeding under this act, the burden of proof of the fact that a dog has been licensed, or has been imported for breeding, trial, or show purposes, or that a dog is under the age of six months, shall be on the owner of such dog. Any dog not bearing a license tag shall prima facie be deemed to be unlicensed.

ARTICLE X ENFORCEMENTS AND PENALTIES

Section 1001. The Secretary of Agriculture, through his officers and agents, shall be charged with the general enforcement of this law. To this end, the Secretary of Agriculture may employ all proper means for the enforcement of this act, and may enter into agreements with local agencies and organizations to that end. The said officers and agents of the Secretary of Agriculture, in the enforcement of this act, are hereby authorized to enter upon the premises of any persons for the purpose of investigation upon displaying his badge of identification furnished by the Department of Agriculture: Provided, however, That only regular, full time employes of the Department of Agriculture shall be authorized to enter upon the premises owned, operated or controlled by medical or scientific institutions, or premises which are primarily devoted to medical or scientific research or premises where pharmaceutical or biological products are being produced for the cure, treatment or prevention of disease, provided that all such research and production shall be con-

ducted by, or under the supervision of, graduates of reputable scientific schools.

Section 1002. Any person violating, or failing or refusing to comply with any of the provisions of this act shall, upon conviction in a summary proceeding before a magistrate, alderman, or justice of the peace, be sentenced to pay a fine of not less than ten dollars (\$10), nor more than three hundred dollars (\$300), and costs of prosecution, and in default of the payment thereof, to undergo imprisonment not exceeding thirty days.

All fines collected under the provisions of this act, shall be forthwith paid to the county treasurer, and shall be paid by him to the city, borough, town or township in which the offense occurred, for the use of such city, borough, town or township. The county treasurer shall submit an annual report to the Department of Agriculture setting forth the amounts of fines paid to him and the amount paid by him to each city, borough, town or township.

In any case brought by any agent of the Department of Agriculture, where a conviction results, and the costs are not paid by the defendant committed, the costs of the justice of the peace, magistrate, or alderman and of the officer serving the warrant or process, shall be paid by the Commonwealth.

ARTICLE XI LIABILITY OF THE STATE

Section 1101. Nothing in this act shall be construed to prevent the owner of a licensed dog from recovering by action at law the value of any dog which has been illegally killed by any person provided the Commonwealth shall be liable to the owner of any legally licensed dog, for the value thereof, if illegally killed by any police officer or agent of the Commonwealth and the Commonwealth may thereupon recover the amount so paid to such owner, from the police officer or agent of the Commonwealth doing the illegal killing, by an action at law. Whenever the Commonwealth shall be liable for any illegal killing the value of said dog shall be ascertained in the same manner as provided in section 801 of this act, for assessing the damage done to livestock by dogs.

ARTICLE XII MISCELLANEOUS PROVISIONS

Section 1201. Nothing in this act shall interfere with any law for the protection and preservation of game or the killing of licensed and unlicensed dogs under the provisions of the game laws of this Commonwealth, nor does this act repeal or affect any acts or parts of acts relating to rabid dogs or dogs affected with any disease, nor prohibit the killing of licensed or unlicensed dogs in accordance with the provisions of any of

said acts or any quarantine regulations made in accordance with the provisions of said act.

Section 1202. In so far as this act provides for the licensing of dogs and the payment of damages for livestock or poultry injured by dogs or for licensed dogs illegally killed, it shall not apply to cities of the first and second class. Such licensing and payment of damages in cities of the first and second class shall continue to be carried on under the provisions of existing laws.

Section 1203. The provisions of this act shall be severable, and, if any of its provisions shall be held to be unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of the act. It is hereby declared as a legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein.

Section 1204. This act does not repeal or in any wise affect any of the provisions of the following acts:

(1) The act of July 22, 1913 (P. L. 928), entitled "An act relating to domestic animals; defining domestic animals so as to include poultry; providing methods of improving the quality thereof, and of preventing, controlling and eradicating diseases thereof; imposing certain duties upon practitioners of veterinary medicine in Pennsylvania; regulating the manufacture, use and sale of tuberculin, mallein, and other biological products for use with domestic animals; defining the powers and duties of the State Livestock Sanitary Board, and the officers and employees thereof; fixing the compensation of the Deputy State Veterinarian and providing penalties for the violation of this act."

(2) The act of June 3, 1937 (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto."

Section 1205. The act of May 11, 1921 (P. L. 522), known as the "Dog Law of 1921" is hereby repealed.

Section 1206. The sum of six hundred thousand dollars (\$600,000), or as much thereof as is necessary, is hereby appropriated to the Department of Agriculture for the fiscal year beginning July 1, 1965, for the purpose of carrying out the provisions of this act, to wit: for the administration of the Dog Law of 1965, for payment of dog law enforcement officers, necessary dog law enforcement equipment and shelters and research pertinent to care and housing of dogs and dog law enforcement, and to reimburse legally constituted law enforcement agencies for reasonable expenses incurred in their assistance rendered to the Department of Agriculture in the matter of the enforcement of the Dog Law of 1965, and for the payment of livestock and poultry damage under said law.

Section 1207. This act shall take effect on January 15, 1966, but the county treasurers may issue licenses for the year 1966 in accordance with the fee schedules in sections 201 and 208 of this act at any time after December 1, 1965.

APPROVED—The 22d day of December A. D. 1965, except for the appropriation to the Department of Agriculture for carrying out the provisions of this act which I approve in the sum of \$300,000 which is all the money required for this program in the remainder of this fiscal year. I withhold my approval from the remainder of said appropriation.

WILLIAM W. SCRANTON

No. 438

AN ACT

SB 681

Amending the act of February 27, 1847 (P. L. 172), entitled "An act requiring the inspectors of prisons, sheriffs, prothonotaries and clerks of criminal courts and others, to make annual returns to the secretary of the commonwealth, and for other purposes," requiring the person in charge of a correctional facility to make certain reports and providing that reports are to be made to the Department of Justice.

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

Section 1. Section 1, act of February 27, 1847 (P. L. 172), entitled "An act requiring the inspectors of prisons, sheriffs, prothonotaries and clerks of criminal courts and others, to make annual returns to the secretary of the commonwealth, and for other purposes," is amended to read:

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be the duty of the inspectors, sheriffs or other persons having charge of any penitentiary, correctional facility or jail within this commonwealth, to transmit to the [secretary] Department of Justice thereof, on or before the first day of February in each and every year, a full statement in detail of the condition of such penitentiary or jail, during the year ending on the thirty-first day of the previous December, shewing the number of prisoners committed to such penitentiary or jail during the year, distinguishing the convicts, the prisoners for trial, witnesses and other persons committed, and the offences of, or with which they have been