

No. 1980-107

AN ACT

HB 1352

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for sentencing guidelines and imposing criminal penalties for the killing, maiming or disfiguring of any zoo animal.

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

Section 1. Sections 1381(c), 1385(a) and (c) and 5511(a) of Title 18, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, are amended to read:

§ 1381. Composition and organization of commission.

* * *

(c) Meetings and quorum.—

(1) The commission shall meet not less frequently than quarterly to establish its general policies and rules.

(2) The commission shall be deemed an “agency” within the meaning of the act of July 19, 1974 (P.L.486, No.175), referred to as the Public Agency Open Meeting Law.

(3) Nine commissioners shall constitute a quorum *for the purpose of adopting proposed initial and initial and subsequent guidelines. A majority of commissioners shall constitute a quorum for all other purposes.*

(4) Minutes of meetings shall be kept by the executive director and filed at the executive office of the commission.

* * *

§ 1385. Publication of guidelines for sentencing.

(a) General rule.—The commission shall:

(1) Prior to adoption, publish in the Pennsylvania Bulletin all proposed initial and subsequent sentencing guidelines and hold public hearings not earlier than 30 days and not later than 60 days thereafter to afford an opportunity for the following persons and organizations to testify:

- (i) Pennsylvania District Attorneys Association.
- (ii) Chiefs of Police Associations.
- (iii) Fraternal Order of Police.
- (iv) Public Defenders Organization.
- (v) Law school faculty members.
- (vi) State Board of Probation and Parole.
- (vii) Bureau of Correction.
- (viii) Pennsylvania Bar Association.
- (ix) Pennsylvania Wardens Association.

(x) Pennsylvania Association on Probation, Parole and Corrections.

(xi) Pennsylvania Conference of State Trial Judges.

(xii) Any other interested persons or organizations.

(2) Publish in the Pennsylvania Bulletin all initial and subsequent sentencing guidelines as adopted by the commission.

(3) Adopt and publish in the Pennsylvania Bulletin pursuant to subsection (a)(2) the initial sentencing guidelines within [18] 21 months of the first meeting of the Pennsylvania Commission on Sentencing.

* * *

(c) Effective date.—Initial and any subsequent guidelines adopted by the commission shall become effective [90] 180 days after publication in the Pennsylvania Bulletin pursuant to subsection (a)(2) unless rejected in their entirety by the General Assembly by a concurrent resolution *within 90 days of their publication. If not rejected by the General Assembly the commissioners shall conduct training and orientation for trial court judges prior to the effective date of the guidelines.*

§ 5511. Cruelty to animals.

(a) Killing, maiming or poisoning domestic animals *or zoo animals*, etc.—

(1) A person commits a misdemeanor of the second degree if he willfully and maliciously kills, maims or disfigures any domestic animal of another person *or any zoo animal in captivity*, or willfully and maliciously, administers poison to any such *domestic or zoo* animal, or exposes any poisonous substance, with intent that the same shall be taken or swallowed by animals, fowl or birds.

(2) This subsection shall not apply to the killing of any animal taken or found in the act of actually destroying any domestic animal or domestic fowl nor to such reasonable activity as may be undertaken in connection with vermin control or pest control. [For the purposes of this subsection, “domestic animal” shall mean any dog, cat, equine animal, bovine animal, sheep, goat or porcine animal. For the purposes of this subsection, “domestic fowl” shall mean any avis raised for food, hobby or sport.]

(3) *As used in this subsection, the following terms shall have the meanings given to them in this paragraph:*

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

“Domestic fowl.” *Any avis raised for food, hobby or sport.*

“Zoo animal.” *Any member of the class of mammalia, aves, amphibia or reptilia which is kept in a confined area by a public body or private individual for purposes of observation by the general public.*

* * *

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

APPROVED—The 10th day of July, A. D. 1980.

DICK THORNBURGH