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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
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MEMORANDUM

TO: Members of the House of Representatives
FROM: Representative Neal P. Goodman & Representative Jerry Knowles
DATE: September 26, 2012
SUBJECT: Proposed Legislation - The Frackville 15: Enhancing Penalties for Animal Cruelty

In the future, we intend to introduce legislation to enhance the penalties for animal cruelty involving dogs and cats. This legislation was prompted by recent, horrifying cases of animal cruelty in our legislative districts that put a spotlight on the need to strengthen our animal abuse laws.

In the first case, fifteen pit bull puppies, which have become known as the "Frackville 15," were found in a dark basement in Frackville. One was dead, most of the others were covered in wounds, scabs, or scars, twelve were in crates full of excrement and vomit, and all of them were suffering from dehydration. Razor blades had been used to crop their ears, which had become infected. A few days later in the nearby town of Tamaqua, nine dead pit bulls were found in a dumpster. One was so injured the sex of the dog could not be determined.

Currently, first-time animal cruelty, like the Frackville 15 case, is a summary offense – the same as failing to license your dog. It only rises to a misdemeanor if someone is convicted a second or subsequent time or if it can be proven the dog was maliciously tortured or killed. Dog fighting is a felony, but the perpetrator has to be caught in the act. Concerned citizens throughout the state have contacted us to ask that first-time animal cruelty of the nature of the Frackville 15 situation be elevated above just a summary offense. As a result, we are introducing legislation to make a first offense of cruelty to animals a third degree misdemeanor. A second or subsequent offense would be a second degree misdemeanor. As with current law, this would not apply to pet owners putting a pet down by means permitted under the Animal Destruction Method Authorization Law, nor would it impact farm operations. The legislation would also increase the penalties for ear and tail cropping, debarking, surgical birth, and removing a dewclaw without a veterinarian's care to a third degree misdemeanor.

Finally, the bill would require a person charged with animal cruelty and whose animal is seized to post a bond if he fights to get the animal back instead of letting the shelter adopt it out. The bond would be forfeited only upon a court's ruling that he must forfeit the animal and would be used to reimburse the shelter for care it provided during the custody dispute. Currently, restitution can be ordered by the court, but it can be impossible to collect. And without an incentive on the front-end to drop the fight, many defendants drag custody disputes out for years simply out of spite and at great cost to the shelters.

If you would like to co-sponsor this legislation, please contact Linda Reed at lreed@pahouse.net or 787-2798.