



**THE HUMANE SOCIETY
OF THE UNITED STATES**

Dear Representative,

On behalf of the Humane Society of the United States, the nation's largest animal protection organization, I would like to express our support for Representative Flynn's legislation to change the standard for misdemeanor penalties for animal cruelty from "willfully and maliciously" to "knowingly, intentionally, or recklessly".

Most animal cruelty offenses are charged as summary offenses, however, the Pennsylvania Animal Cruelty Code Title 18 Section 5511 does provide for some misdemeanor and felony level penalties for particularly egregious offenses. These offenses include: killing, maiming, disfiguring, or poisoning another person's animal; torturing, maiming, disfiguring, or poisoning any dog or cat regardless of ownership; and injuring, harassing or killing a service dog.

While clearly Pennsylvanians believe these horrific offenses deserve tougher penalties, the current standard for prosecution requires that the perpetrator "willfully and maliciously" committed the crime. This high standard is exceedingly difficult to prove and is exploited by guilty animal abusers to negotiate lesser penalties. For example, someone who teases a service dog to the point of distraction, putting the dog and her handler in danger, something which the misdemeanor penalties were specifically enacted to guard against. Unless the prosecution can prove that the perpetrator had malicious intent, no misdemeanor can be charged.

Representative Flynn's legislation will lower the necessary standard to "knowingly, intentionally, or recklessly" which will allow prosecutors to finally use the misdemeanor penalties to deter crime. Returning to the above example, a prosecutor would only have to prove that the perpetrator "knowingly" harassed the service dog to hold him accountable for his actions at the penalties originally intended by the legislature.

Please support Representative Flynn's legislation to crack down on these terrible crimes with strict penalties that actually deter the criminal behavior.

Sincerely,

Sarah Speed

Pennsylvania State Director, HSUS