

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2722 Session of 2022

INTRODUCED BY CRUZ, SCHLOSSBERG, McNEILL, HILL-EVANS, HOWARD,
PARKER, D. WILLIAMS AND HOHENSTEIN, JUNE 30, 2022

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 30, 2022

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in falsification and intimidation, providing for
4 the offense of failure to comply with animal abuse
5 registration requirements; in other offenses, providing for
6 the offense of illegal use of animal abuse registry
7 information; and, in sentencing, providing for registration
8 of animal abuse offenders.

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

11 Section 1. Title 18 of the Pennsylvania Consolidated
12 Statutes is amended by adding sections to read:

13 § 4916. Failure to comply with animal abuse registration
14 requirements.

15 (a) Offense defined.--An individual who is subject to
16 registration under 42 Pa.C.S. § 9799.84 (relating to
17 registration requirements) commits an offense if he knowingly
18 fails to:

19 (1) register or reregister with the county sheriff as
20 required under 42 Pa.C.S. § 9799.84(b); or

21 (2) provide accurate information when registering under

1 42 Pa.C.S. § 9799.84.

2 (b) Grading.--

3 (1) Except as set forth in paragraph (2), an individual
4 subject to registration under 42 Pa.C.S. § 9799.84 who
5 commits a violation of subsection (a) or a similar offense
6 commits a felony of the third degree.

7 (2) An individual subject to registration under 42
8 Pa.C.S. § 9799.84 who commits a violation of subsection (a)
9 and who has previously been convicted of an offense under
10 subsection (a) or a similar offense commits a felony of the
11 second degree.

12 § 7518. Illegal use of animal abuse registry information.

13 (a) Offense defined.--A person who uses information obtained
14 from the local animal abuse registry or the central animal abuse
15 registry established under 42 Pa.C.S. § 9799.83 (relating to
16 animal abuse registries) to commit an offense under this title
17 commits an offense under this section.

18 (b) Grading.--

19 (1) An individual who commits a violation of subsection
20 (a) commits a misdemeanor of the third degree.

21 (2) An individual who commits a second or subsequent
22 violation of subsection (a) commits a misdemeanor of the
23 second degree.

24 Section 2. Chapter 97 of Title 42 is amended by adding a
25 subchapter to read:

26 SUBCHAPTER J

27 REGISTRATION OF ANIMAL ABUSE OFFENDERS

28 Sec.

29 9799.81. Definitions.

30 9799.82. Legislative findings.

- 1 9799.83. Animal abuse registries.
2 9799.84. Registration requirements.
3 9799.85. Immunity for good faith conduct.
4 9799.86. Civil liability for information misuse.
5 § 9799.81. Definitions.

6 The following words and phrases when used in this subchapter
7 shall have the meanings given to them in this section unless the
8 context clearly indicates otherwise:

9 "Correctional institution." A State correctional institution
10 or county correctional facility located in this Commonwealth or
11 an equivalent correctional institution owned or operated by the
12 United States or one of its territories, another state, the
13 Commonwealth of Puerto Rico or a foreign nation.

14 "County correctional institution." The term shall have the
15 meaning given to it in 61 Pa.C.S. § 102 (relating to
16 definitions).

17 "Local law enforcement agency." A police department of a
18 city, borough, incorporated town or township.

19 "Offender." An individual required to register under section
20 9799.84 (relating to registration requirements).

21 "Repeat offender." An individual required to register under
22 section 9799.84.

23 "State correctional institution." The term shall have the
24 meaning given to it in 61 Pa.C.S. § 102.

25 § 9799.82. Legislative findings.

26 It is the finding of the General Assembly that the health and
27 safety of animals that are at risk of abuse will be enhanced by
28 making information about offenders and repeat offenders
29 available to the public through the Internet, by telephone,
30 through written access and in person. Knowledge of the identity

1 of offenders or repeat offenders can be a significant factor in
2 protecting pets and animals from recidivist acts. The technology
3 afforded by the Internet would make this information readily
4 accessible to the public, enabling them to undertake appropriate
5 remedial precautions. Public access to information about
6 offenders and repeat offenders is intended solely as a means of
7 protection for the pets and animals of the public that are at
8 risk of abuse and shall not be construed as punitive. An
9 individual is authorized to use the information contained in the
10 central animal abuse registry and the local animal abuse
11 registry for protecting animals at risk of abuse.

12 § 9799.83. Animal abuse registries.

13 The following apply:

14 (1) The county sheriff shall establish and maintain a
15 local registry of offenders and repeat offenders in the
16 sheriff's jurisdiction to be known as the local animal abuse
17 registry. The county sheriff shall:

18 (i) Forward all registration information obtained
19 under section 9799.84(c) (relating to registration
20 requirements) to the Pennsylvania State Police.

21 (ii) Within 10 days of receipt of an initial
22 registration from an offender or repeat offender, contact
23 and provide all county residences, schools, humane
24 societies, animal shelters and any other business within
25 a half-mile radius of the offender's or repeat offender's
26 residence or location with the registration information
27 of the offender or repeat offender, except for the
28 offender's or repeat offender's Social Security number.

29 (2) The Pennsylvania State Police shall establish and
30 maintain a central registry of offenders and repeat offenders

1 to be known as the central animal abuse registry. Information
2 contained in the central animal abuse registry of offenders
3 and repeat offenders shall be made available to the public
4 through a publicly accessible Internet website, by telephone,
5 through written access and in person. All of the information
6 contained in an offender's or repeat offender's registration,
7 with the exception of the Social Security number or any other
8 information protected by law, shall be made available to the
9 public. Records of each registration shall be maintained for
10 the seven-year period that an offender is required to be
11 registered. Records of each registration shall be maintained
12 during the periods that a repeat offender is required to be
13 registered.

14 § 9799.84. Registration requirements.

15 (a) Individuals required to register.--

16 (1) The following individuals shall be required to
17 register with the county sheriff for the county in which the
18 individual is located for seven years following conviction:

19 (i) Individuals convicted of any of the following
20 offenses:

21 (A) 18 Pa.C.S. § 5534 (relating to aggravated
22 cruelty to animal).

23 (B) 18 Pa.C.S. § 5543 (relating to animal
24 fighting).

25 (C) 18 Pa.C.S. § 5548 (relating to police
26 animals).

27 (D) 18 Pa.C.S. § 5549 (relating to assault with
28 a biological agent on animal, fowl or honey bees).

29 (E) Any other felony violation of a law
30 protecting animal welfare.

1 (ii) Individuals convicted of an attempt to commit
2 an offense listed under subparagraph (i).

3 (iii) Individuals currently residing in this
4 Commonwealth who have been convicted of an offense
5 similar to an offense under subparagraphs (i) and (ii),
6 under the laws of the United States or one of its
7 territories or possessions, another state, the District
8 of Columbia, the Commonwealth of Puerto Rico or a foreign
9 nation.

10 (2) An individual convicted of two of the offenses under
11 paragraph (1)(i) shall be required to register for 15 years
12 following the conviction.

13 (3) An individual convicted of three or more of the
14 offenses under paragraph (1)(i) shall be subject to lifetime
15 registration.

16 (b) Registration.--The following apply:

17 (1) An offender or repeat offender, following release
18 from incarceration, upon parole from a correctional
19 institution or upon commencement of intermediate punishment
20 or probation that results from a conviction for an offense
21 listed under subsection (a)(1)(i) and who is located within
22 the boundaries of this Commonwealth for more than 10
23 consecutive days, shall register with the county sheriff for
24 the county in which the offender or repeat offender is
25 located before the end of the 11th day of residence in this
26 Commonwealth.

27 (2) An offender or repeat offender who is currently
28 registered in the county of the offender's or repeat
29 offender's previous location within this Commonwealth shall
30 reregister with the county sheriff for the county in which

1 the offender or repeat offender is now located no later than
2 10 days after moving to the new location in this
3 Commonwealth.

4 (3) Following the initial registration under this
5 subsection, an offender and a repeat offender shall annually
6 renew the registration with the county sheriff prior to
7 December 31 of each subsequent calendar year. The offender or
8 repeat offender shall provide updated information required
9 under subsection (c) at the time of registration renewal.

10 (c) Information required.--

11 (1) An offender or repeat offender shall provide the
12 county sheriff with the following information for entry in
13 the animal abuse registry:

14 (i) Legal name and any other names or aliases that
15 the offender or repeat offender uses or has used.

16 (ii) Date of birth.

17 (iii) Social Security number.

18 (iv) Current address or location.

19 (v) Place of employment.

20 (vi) The offense the offender or repeat offender was
21 convicted of and the date and location of the offense.

22 (vii) The county or counties in this Commonwealth
23 where the offender or repeat offender is registered under
24 this section.

25 (2) (i) The county sheriff shall obtain the following:

26 (A) A photograph of the offender or repeat
27 offender.

28 (B) A description of any tattoos, scars or other
29 distinguishing features on the offender's or repeat
30 offender's body that would assist in identifying the

1 offender or repeat offender.

2 (C) A full set of fingerprints of the offender
3 or repeat offender.

4 (ii) Fingerprints and photographs obtained under
5 this paragraph may be maintained for use under this
6 subchapter and for general law enforcement purposes.

7 (d) Sentencing court information.--The sentencing court
8 shall inform offenders and repeat offenders at the time of
9 sentencing of the provisions of this subchapter. The court
10 shall:

11 (1) Inform the offender or repeat offender of the duty
12 to register and provide the information required for
13 registration.

14 (2) Inform the offender or repeat offender of the duty
15 to inform the county sheriff within 10 days if the offender
16 or repeat offender does the following:

17 (i) changes residence or establishes an additional
18 residence or residences;

19 (ii) changes employer or employment location for a
20 period of time that exceeds 14 days or for an aggregate
21 period of time that will exceed 30 days during any
22 calendar year or terminates employment; or

23 (iii) changes institution or location at which the
24 offender or repeat offender is enrolled as a student or
25 terminates enrollment.

26 (3) Inform the offender or repeat offender of the duty
27 to register with a new law enforcement agency if the offender
28 or repeat offender moves to another state no later than 10
29 days after establishing residence in another state and if the
30 state requires such registration.

1 (4) Inform the offender or repeat offender of the duty
2 to register with the appropriate authorities in any state in
3 which the offender or repeat offender is employed, carries on
4 a vocation or is a student if the state requires the
5 registration.

6 (5) Require the offender or repeat offender to read and
7 sign a form stating that the duty to register under this
8 section has been provided in writing and has been explained.
9 If the offender or repeat offender is incapable of reading,
10 the court shall certify the duty to register was explained to
11 the offender or repeat offender and the offender or repeat
12 offender indicated an understanding of the duty.

13 § 9799.85. Immunity for good faith conduct.

14 The following entities shall be immune from liability for
15 good faith conduct under this subchapter:

16 (1) The Pennsylvania State Police and local law
17 enforcement agencies and employees of law enforcement
18 agencies.

19 (2) Sheriffs, deputy sheriffs and employees of the
20 office of sheriff of a county.

21 (3) District attorneys and their agents and employees.

22 (4) The Pennsylvania Department of Corrections and its
23 agents and employees.

24 (5) County correctional facilities and their agents and
25 employees.

26 § 9799.86. Civil liability for information misuse.

27 If an individual or a group of individuals is engaged in a
28 pattern or practice of misuse of information in violation of 18
29 Pa.C.S. § 7518 (relating to illegal use of animal abuse registry
30 information) that was obtained from the central animal abuse

1 registry or local animal abuse registry, or both, an individual
2 aggrieved by the misuse may, in any court of competent
3 jurisdiction, obtain appropriate relief, including injunctive
4 relief.

5 Section 3. This act shall take effect in 90 days.