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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 860 Session of  
2013

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INTRODUCED BY CALTAGIRONE, ROZZI, MURT, CARROLL, V. BROWN,  
KORTZ, D. COSTA, O'NEILL, WATSON, O'BRIEN, HARHAI, W. KELLER,  
FABRIZIO, ROCK, QUINN AND GOODMAN, MARCH 11, 2013

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 11, 2013

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AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, providing for animal hoarding.

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

6 Section 1. Section 5511 of Title 18 of the Pennsylvania  
7 Consolidated Statutes is amended by adding a subsection to read:  
8 § 5511. Cruelty to animals.

9 \* \* \*

10 (h.2) Animal hoarding.--A person commits a misdemeanor of  
11 the third degree if the person maintains animals on real  
12 property and that maintenance results in unsanitary,  
13 unhealthful, malodorous, or dangerous conditions for an  
14 individual, the animals or real or personal property. Each  
15 animal maintained in violation of this subsection constitutes a  
16 separate offense.

17 \* \* \*

18 Section 2. Title 42 is amended by adding a section to read:

1 § 9720.5. Animal hoarding.

2 The following apply to sentencing for an offense under 18  
3 Pa.C.S. § 5511(h.2) (relating to cruelty to animals):

4 (1) Prior to sentencing the defendant, the court shall  
5 order an evaluation to be performed by a mental health  
6 professional to determine if the defendant, at the time of  
7 the commission of the offense, suffered from or acted in  
8 accordance with a psychological or psychiatric disability.

9 (2) Sentencing shall not be scheduled until at least ten  
10 days after distribution of the evaluation under paragraph  
11 (1).

12 (3) At sentencing, if the court finds by a preponderance  
13 of evidence that defendant, at the time of the commission of  
14 the offense, suffered from or acted in accordance with a  
15 psychological or psychiatric disability, the court shall:

16 (i) order the defendant to:

17 (A) undergo treatment appropriate to the  
18 diagnosis; and

19 (B) to submit a report of the treatment; and

20 (ii) stay the action against the defendant pending  
21 submission of the report under subparagraph (i)(B).

22 (4) Upon review of the report under paragraph (3)(i)(B),  
23 if the court determines by a preponderance of the evidence  
24 that the treatment under subparagraph (i)(A) is successful,  
25 the court shall do all of the following:

26 (i) Order forfeiture under 18 Pa.C.S. § 5511(m).

27 (ii) Order prohibition of ownership under 18 Pa.C.S.  
28 § 5511(m.2).

29 (iii) Reverse the conviction.

30 (iv) Order expungement under Pa.R.Crim.P. 790

1 (relating to Procedure for Obtaining Expungement in Court  
2 Cases; Expungement Order) of:

3 (A) the complaint against the defendant under  
4 Pa.R.Crim.P. 502(1) (relating to Instituting  
5 Proceedings in Court Cases); or

6 (B) the record of the defendant's arrest under  
7 Pa.R.Crim.P. 502(2).

8 (v) Order the the prosecuting authority to maintain  
9 a confidential record of matter expunged under  
10 subparagraph (iv).

11 Section 3. This act shall take effect in 60 days.