

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 639** Session of  
2015

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INTRODUCED BY BENNINGHOFF, D. COSTA, DeLUCA, A. HARRIS,  
KAUFFMAN, KAVULICH, KNOWLES, METCALFE, MILLARD, MOUL,  
READSHAW, ROZZI, ZIMMERMAN AND MAJOR, FEBRUARY 26, 2015

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
FEBRUARY 26, 2015

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## AN ACT

1 Amending the act of December 7, 1982 (P.L.784, No.225),  
2 entitled, as amended, "An act relating to dogs, regulating  
3 the keeping of dogs; providing for the licensing of dogs and  
4 kennels; providing for the protection of dogs and the  
5 detention and destruction of dogs in certain cases;  
6 regulating the sale and transportation of dogs; declaring  
7 dogs to be personal property and the subject of theft;  
8 providing for the abandonment of animals; providing for the  
9 assessment of damages done to animals; providing for payment  
10 of damages by the Commonwealth in certain cases and the  
11 liability of the owner or keeper of dogs for such damages;  
12 imposing powers and duties on certain State and local  
13 officers and employees; providing penalties; and creating a  
14 Dog Law Restricted Account," in short title and definitions,  
15 providing for the definition of "stun gun"; and, in  
16 enforcement and penalties, further providing for enforcement  
17 and inspections.

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

20 Section 1. Section 102 of the act of December 7, 1982  
21 (P.L.784, No.225), known as the Dog Law, is amended by adding a  
22 definition to read:

23 Section 102. Definitions.

24 The following words and phrases when used in this act shall

1 have, unless the context clearly indicates otherwise, the  
2 meanings given to them in this section:

3 \* \* \*

4 "Stun gun." A device that is designed to emit an electronic,  
5 magnetic or other type of charge to temporarily immobilize or  
6 incapacitate.

7 \* \* \*

8 Section 2. Section 901(b.2), (b.3), (b.4) and (b.5) of the  
9 act, amended October 9, 2008 (P.L.1450, No.119), are amended to  
10 read:

11 Section 901. Enforcement of this act by the secretary;  
12 provisions for inspections.

13 \* \* \*

14 (b.2) Limitation on the possession of firearms and stun  
15 guns.--No dog warden or employee of the department shall carry,  
16 possess or use a firearm or stun gun in the performance of  
17 duties[.] unless the person has the approval of the secretary  
18 and holds a current and valid certification in the use and  
19 handling of firearms or stun guns under at least one of the  
20 following:

21 (1) 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal  
22 police education and training).

23 (2) The act of October 10, 1974 (P.L.705, No.235), known  
24 as the Lethal Weapons Training Act.

25 (3) The act of February 9, 1984 (P.L.3, No.2), known as  
26 the Sheriff and Deputy Sheriff Education and Training Act. ◀

27 (4) A firearm or stun gun training program which has  
28 been determined by the Commissioner of the Pennsylvania State  
29 Police to be of sufficient scope and duration to provide the  
30 participant with basic training in the use and handling of

1 firearms or stun guns. A training program under this  
2 paragraph may be provided by the department for dog wardens.

3 (b.3) Application of section to prior dog wardens.--

4 (1) Any dog warden or employee of the department who,  
5 prior to the effective date of this act, has successfully  
6 completed a training program similar to that required under  
7 subsection (b.1) shall, after review by the secretary, be  
8 certified as having met the training requirements of this  
9 act. Any dog warden or employee of the department who, prior  
10 to the effective date of this act, has not successfully  
11 completed a training program similar to that required under  
12 subsection (b.1) may continue to perform the duties of a dog  
13 warden until the person has successfully completed the  
14 required training program, but not longer than two years from  
15 the effective date of this act.

16 (2) (Reserved).

17 (3) A dog warden or employee of the department who,  
18 prior to the effective date of this paragraph, has not  
19 received approval of the secretary and not been certified in  
20 the use and handling of firearms or stun guns under one or  
21 more of the statutes under subsection (b.2) (1), (2), (3) or a  
22 program under subsection (b.2) (4), may not carry or possess a  
23 firearm or stun gun in the performance of the duties of a dog  
24 warden until the person has, under subsection (b.2), received  
25 approval of the secretary and been certified in the use and  
26 handling of firearms or stun guns.

27 (b.4) Refusal, suspension or revocation authorized.--The  
28 department may refuse to employ a person to act as a dog warden  
29 or may suspend or revoke the employment of a person who is  
30 acting as a dog warden if the department determines that the

1 person has:

2 (1) Failed to satisfy the training requirements of  
3 subsection (b.1) or (b.2).

4 (2) Had a criminal history record which would disqualify  
5 the applicant from becoming a law enforcement officer.

6 (3) Been convicted of violating 18 Pa.C.S. § 5301  
7 (relating to official oppression).

8 (b.5) Additional grounds.--The department may refuse to  
9 employ a person to act as a dog warden or other employee charged  
10 with the enforcement of this act or may suspend or revoke the  
11 employment of a person who is acting as a dog warden or is  
12 charged with the enforcement of this act if the department  
13 determines that the person has:

14 (1) Made a false or misleading statement in the  
15 application for employment.

16 (2) Carried or possessed a firearm or stun gun in the  
17 performance of his or her duties without permission and  
18 certification pursuant to subsection (b.2).

19 (3) Engaged in conduct which constitutes a prima facie  
20 violation of 18 Pa.C.S. §§ 5301 and 5511 (relating to cruelty  
21 to animals).

22 (4) Knowingly failed to enforce any of the provisions of  
23 this act.

24 (5) Violated any of the provisions of this act.

25 \* \* \*

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