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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1102 Session of  
2013

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INTRODUCED BY BENNINGHOFF, BOBACK, CAUSER, CLYMER, SCHLEGEL,  
CULVER, DeLUCA, GABLER, GILLEN, C. HARRIS, HESS, KNOWLES,  
KORTZ, METCALFE, MURT, TALLMAN AND VEREB, APRIL 3, 2013

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
APRIL 3, 2013

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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," providing for the definition of  
15 "stun gun"; and further providing for enforcement and  
16 inspections.

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

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

22 Section 102. Definitions.

23 The following words and phrases when used in this act shall  
24 have, unless the context clearly indicates otherwise, the

1 meanings given to them in this section:

2 \* \* \*

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

6 \* \* \*

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

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

12 \* \* \*

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

20 (1) 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal  
21 police education and training).

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

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

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

1 paragraph may be provided by the department for dog wardens.

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

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

15 (2) (Reserved).

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

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

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

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

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

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

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

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

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

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

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

24 \* \* \*

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