

ANIMAL ABUSE AND INTIMATE PARTNER VIOLENCE

Animal abuse is a form of power and control often used to manipulate, intimidate, and retaliate against people and can be another form of intimate partner violence. Changes to animal abuse laws, also known as “Libre’s Law”, increase the penalties for abusing animals and can assist in holding offenders accountable.

18 Pa. C.S. §5531 Definitions.

(7) “Domestic animal.” A dog, cat, equine animal, bovine animal, sheep, goat, or porcine animal.

“Serious bodily injury.” Bodily injury that creates a substantial risk of death or causes serious, permanent disfigurement or protracted loss or impairment of the function of a bodily member or organ.

“Torture.” Any of the following acts directed toward or against an animal unless directed to be performed by a licensed doctor of veterinary medicine acting within the normal scope of practice:

- (1) Breaking, severing or severely impairing limbs.
- (2) Inflicting severe and prolonged pain from burning, crushing or wounding.
- (3) Causing or allowing severe and prolonged pain through prolonged deprivations of food or sustenance without veterinary care.

18 Pa. C.S. §5532 Neglect of animal.

(a) Offense defined- A person commits an offense if the person fails to provide any of the following for each animal to which the person has a duty of care, whether belonging to himself or otherwise:

- (1) Necessary sustenance and potable water.
- (2) Access to clean and sanitary shelter and protection from the weather. The shelter must be sufficient to permit the animal to retain body heat and keep the animal dry.
- (3) Necessary veterinary care.

(b) Grading.

- (1) Except as set forth in paragraph (2), a violation of this section is a summary offense.
- (2) If the violation causes bodily injury to the animal or places the animal at imminent risk of serious bodily injury, a violation of this section is a misdemeanor of the third degree.

18 Pa. C.S. § 5533 Cruelty to animal.

(a) Offense defined- A person commits an offense if the person intentionally, knowingly or recklessly illtreats, overloads, beats, abandons or abuses an animal.

(b) Grading.

- (1) Except as set forth in paragraph (2), a violation of this section is a summary offense.

- (2) If the violation causes bodily injury to the animal or places the animal at imminent risk of serious bodily injury, a violation of this section is a misdemeanor of the second degree.

18 Pa. C.S. § 5534 Aggravated Cruelty to animal.

- (a) Offense defined- A person commits an offense if the person intentionally or knowingly does any of the following:
 - (1) Tortures an animal.
 - (2) Violates section 5532 (relating to neglect of an animal) or 5533 (relating to cruelty to animal) causing serious bodily injury to the animal or the death of the animal.
- (b) Grading. A violation of this section is a felony of the third degree.

18 Pa. C.S. § 5536 Tethering of unattended dog.

- (a) Presumptions.
 - (1) Tethering an unattended dog out of doors for less than nine hours within a 24-hour period when all of the following conditions are present shall create a rebuttable presumption that a dog has not been the subject of neglect within the meaning of section 5532:
 - (i) The tether is of a type commonly used for the size and breed of dog and is at least three times the length of the dog as measured from the tip of its nose to the base of its tail or 10 feet, whichever is longer.
 - (ii) The tether is secured to a well-fitted collar or harness by means of a swivel anchor, swivel latch or other mechanism designed to prevent the dog from becoming entangled.
 - (iii) The tethered dog has access to potable water and an area of shade that permits the dog to escape the direct rays of the sun.
 - (iv) The dog has not been tethered for longer than 30 minutes in temperatures above 90 or below 32 degrees Fahrenheit.
 - (2) The presence of any of the following conditions regarding tethering an unattended dog out of doors shall create a rebuttable presumption that a dog has been the subject of neglect within the meaning of section 5532:
 - (i) Excessive waste or excrement in the area where the dog is tethered.
 - (ii) Open sores or wounds on the dog's body.
 - (iii) The use of a tow or log chain, or a choke, pinch, prong, or chain collar.
- (b) Construction. This section shall not be construed to prohibit any of the following:
 - (1) Tethering a dog while actively engaged in lawful hunting, exhibition, performance events or field training.
 - (2) Tethering a hunting, sporting, or sledding dog breed where tethering is integral to the training, conditioning or purpose of the dog.
 - (3) Tethering a dog in compliance with the requirements of camping or recreational area.
 - (4) Tethering a dog for a period for time, not to exceed one hour, reasonably necessary for the dog or person to complete a temporary task.

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