



PENNSYLVANIA DOG LAW NEUTERS POLICE AND ANIMAL CONTROL

By Matt Packard

Three dog attacks occurred in a Riverwards neighborhood between January 1 and May 1, 2020, all by the same animal. Each attack resulted in serious injuries, E.R. visits, and costly medical bills.

You'd be forgiven if you thought that Pennsylvania law would permit the police and animal control to confiscate and euthanize that dog after three attacks, but you'd be wrong. After the dog attacked my wife on the sidewalk while she was out for a run, it took 60 days for a summary hearing to occur. During that time, a second victim was attacked, badly, again walking on a public sidewalk. That second victim attended the first summary trial but was not permitted to testify because the law considered that attack a separate summary offense. Then, on May 1, four months after the first incident, and before a second summary trial could even occur, a child was attacked—again, badly. The police and animal control finally convinced the owner to give up the dog, but the harsh and incomprehensible reality is despite three unprovoked attacks on public property, two of which were captured on video, the police had no legal power to enter the home and remove the animal. This law must be reformed.

In Pennsylvania, the Department of Agriculture regulates dangerous dogs. This structure, in and of itself, is anachronistic, as dogs in our commonwealth have not been primarily agricultural for, let's just say, about a century. The relevant statute known as the Dog Law ("the Act") is 3 Pa. Stat. §§ 459-100 et seq. A citation for harboring dangerous dogs in Pennsylvania is a summary offense. *Id.* at 459-502A. And the crux of the matter is this Act explicitly abrogates all local ordinances related to dangerous dogs. *Id.* at 459-507.

First, keeping a dangerous dog should not be a summary offense. Here's a list of other summary offenses for comparison:

- Underage drinking
- Disorderly conduct
- Public urination
- Public drunkenness / intoxication
- Traffic offenses
- Service theft (less than \$50)
- Retail theft (first offense, less than \$150 value)
- Illegal use of shopping carts
- Ticket scalping
- Harassment
- Opening fire hydrants
- Criminal mischief
- Obstructing a highway
- Defiant trespassing
- Retention of library property after notice to return

The Commonwealth considers the above offenses on the same level of risk as harboring, for example, a 100-pound pit bull that attacks unprovoked (this is no breed hit piece, but pit bulls with bad owners are far more dangerous than, say, shitzus). Ticket scalpers aren't actually running around with knives scalping people. Public urination and retained library books cannot and do not send children to the hospital with lacerated muscles and snapped tendons. The drafting of this law would be comical if it were not so serious.

Second, even if harboring a vicious dog remains a summary offense, the law should permit localities to expedite the adjudication process. In a city as large as Philadelphia, summary



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offenses move too slow. In the hands of irresponsible owners (of which there are many), dangerous dogs are perpetually mobile until they are quarantined or confiscated by the state or city. No other summary offense carries a risk of a piece of “personal property” escaping into the public and mauling a child while the city trundles its way through the summary offense process with the other urinators, book thieves, and shopping cart vandals. Currently, a second attack in the interim does not change the function of the law at all; the summary offense process just goes on repeat. Sixty days per citation for a summary trial. One hundred and twenty days for that dog to get loose for the third time and maul a child. Harrisburg has neutered local law enforcement’s ability to protect its populace.

Finally, the greatest tragedy in this particular case is the owner of the dog is almost certainly judgment proof. None of these three victims is likely to receive restitution for their medical expenses or compensation for their pain

and suffering. Just imagine the physical and emotional damage done to the child by this large, aggressive dog—one that the city knew was dangerous, wanted to remove, but could do nothing about.

Triple dog attacks should be a never-occurrence. Common sense, simple amendments that keep the spirit and foundation of the law in place would prevent this scenario from ever happening again. Harrisburg should amend the Act with bipartisan support through at least one of the following ways: (1) draft an exception to the local ordinance abrogation provision to allow for any local ordinance solely to address the speed of summary offense adjudication of dog bite complaints; (2) permit class 1 and class 2 cities (those with large population densities more at risk of loose dangerous dogs) to draft their own local ordinances that do not conflict with state law; (3) empower local police to confiscate a dog until final adjudication if a second attack occurs while a first summary offense citation is

still in process; or (4) create a taxpayer-funded relief program for victims of attacks by dogs whose owners are uninsured and otherwise judgment proof.

Philadelphia police, City Council, and animal control supported these victims and did everything they could to intervene, but they were powerless without the owner’s cooperation. Travesty is an apt word. The law is not supposed to create an absurd result, but here it has. Harrisburg is duty-bound to give the power back to police across the Commonwealth to protect the public from vicious dogs. The Secretary of Agriculture sure isn’t going to do it. ■

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