



PENNSYLVANIA STATUTES, ANNOTATED BY LEXISNEXIS(R)

\* Pa.C.S. documents are current through 2012 Regular Session Act 211 Enacted November 1, 2012. \*

\*P.S. documents are current through 2012 Regular Session Act 150 and 153 to 169 and 171 to 180, 183 to 187, 189 to 191, 193 to 206 and 208 to 211\*

\* February 1, 2013 Annotation Service \*

PENNSYLVANIA STATUTES  
TITLE 3. AGRICULTURE  
CHAPTER 8. DOGS AND CATS  
DOG LAW  
ARTICLE V. OFFENSES OF DOGS

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*3 P.S. § 459-501 (2012)*

§ 459-501. Killing dogs; dogs as nuisances

(a) **LEGAL TO KILL CERTAIN DOGS.**-- Any person may kill any dog which he sees in the act of pursuing or wounding or killing any domestic animal, wounding or killing other dogs, cats or household pets, or pursuing, wounding or attacking human beings, whether or not such a dog bears the license tag required by the provisions of this act. There shall be no liability on such persons in damages or otherwise for such killing.

(b) **PRIVATE NUISANCE.**-- Any dog that enters any field or enclosure where domestic animals are confined, provided that the enclosure is adequate for the purpose intended, shall constitute a private nuisance, and the owner or tenant of such field, or their agent or servant, may detain such dog and turn it over to the local police authority or State dog warden or employee of the department. While so detained, the dog shall be treated in a humane manner.

(c) **LICENSED DOGS NOT INCLUDED.**-- Licensed dogs, when accompanied by their owner or handler, shall not be included under the provisions of this section unless caught in the act of pursuing, wounding or killing any domestic animal, wounding or killing any dogs, cats or household pets, or pursuing, wounding or attacking human beings.

(d) Repealed by 1990, May 31, P.L. 213, No. 46, effective in 60 days.

**HISTORY:** Act 1982-225 (H.B. 1459), P.L. 784, § 501, approved Dec. 7, 1982, eff. Jan. 1, 1983.

**NOTES:**

LexisNexis (R) Notes:

Editor's Notes.--Section 1 of Act 1990-46 repealed subsection (d) of section 501 of the act of December 7, 1982 (P.L.784, No.225) on May 31, 1990, effective in 60 days.

#### CASE NOTES

1. Affirmative defense under *18 Pa.C.S. § 5511(a)(3)(ii)* did not preclude defendant's conviction of animal cruelty in violation of § 5511(a)(1)(i) where defendant shot and killed a dog that was harassing deer that defendant kept in a pen; the fact that the dog was not pursuing, wounding, or killing the deer prevented the shooting from being justified under *3 P.S. § 459-501(a)*, and § 459-501(b) did not confer upon defendant the right to kill the dog. *Commonwealth v. Ingram, 2007 PA Super 141, 926 A.2d 470, 2007 Pa. Super. LEXIS 1231 (Pa. Super. Ct. 2007)*.

2. Affirmative defense under *18 Pa.C.S. § 5511(a)(3)(ii)* did not preclude defendant's conviction of animal cruelty in violation of § 5511(a)(1)(i) where defendant shot and killed a dog that was harassing deer that defendant kept in a pen; the fact that the dog was not pursuing, wounding, or killing the deer prevented the shooting from being justified under *3 P.S. § 459-501(a)*, and § 459-501(b) did not confer upon defendant the right to kill the dog. *Commonwealth v. Ingram, 2007 PA Super 141, 926 A.2d 470, 2007 Pa. Super. LEXIS 1231 (Pa. Super. Ct. 2007)*.

#### PENNSYLVANIA ADMINISTRATIVE CODE REFERENCES.

1. *7 Pa. Code § 21.4* (2012), PART DOG LAW ENFORCEMENT BUREAU.

#### TREATISES AND ANALYTICAL MATERIALS

1. 1 P.L.E. ANIMALS § 15, Pennsylvania Law Encyclopedia, Cruelty to Animals, Copyright 2012, Matthew Bender & Company, Inc., a member of the LexisNexis Group.

2. 1 P.L.E. ANIMALS § 28, Pennsylvania Law Encyclopedia, Injuries to or Killing of Animals, Copyright 2012, Matthew Bender & Company, Inc., a member of the LexisNexis Group.

3. 1 P.L.E. ANIMALS § 30, Pennsylvania Law Encyclopedia, -- Dogs, Copyright 2012, Matthew Bender & Company, Inc., a member of the LexisNexis Group.

4. 32 P.L.E. MAGISTERIAL DISTRICT JUDGES § 22, Pennsylvania Law Encyclopedia, Subject Matter, Copyright 2012, Matthew Bender & Company, Inc., a member of the LexisNexis Group.