



## **H.B. 104**

125th General Assembly

(As Re-Referred to H. Agriculture & Natural Resources)

**Reps. Redfern, Miller, Perry, Otterman, Jerse, DeBose, Sykes, Barrett, Domenick, Allen, Beatty, Koziura, Cirelli, Carano, Sferra, Key, Mason, Distel, Boccieri, Woodard**

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### **BILL SUMMARY**

- Prohibits a person from destroying a domestic animal, including a dog, at a publicly owned or operated animal shelter by the use of a handgun, semi-automatic firearm, automatic firearm, sawed-off firearm, or other firearm.

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### **CONTENT AND OPERATION**

#### **Operation of the bill**

The bill prohibits a person from destroying a dog at a publicly owned or operated animal shelter by the use of a handgun, semi-automatic firearm, automatic firearm, sawed-off firearm, or other firearm. The bill also prohibits a person from destroying any domestic animal at a publicly owned or operated animal shelter in such a manner, but this prohibition does not apply to or prohibit the slaughtering of livestock or the taking of any wild animal when taken in accordance with the Hunting Law. The bill does not establish a penalty for a violation of either prohibition. (Secs. 955.16(G) and 959.06(C).)

#### **Existing law**

Existing law requires that dogs that have been seized by the county dog warden and impounded be kept, housed, and fed for three days for the purpose of redemption unless specified circumstances apply. If the dog is not redeemed within the applicable period of time, existing law authorizes the dog warden or pound to dispose of the dog in several manners, including selling the dog and donating the dog either for use as a guide dog or to a research institution. Any dog that the dog warden or poundkeeper is unable to dispose of may be humanely destroyed. (Sec. 955.16(A) to (C).)

Existing law prohibits a person from destroying any dog by the use of a high altitude decompression chamber or by any method other than a method that immediately and painlessly renders the dog initially unconscious and subsequently dead. A violation of this prohibition is a misdemeanor of the fourth degree. (Secs. 955.16(F) and 955.99(D).)

Similarly, existing law prohibits a person from destroying any domestic animal by the use of a high altitude decompression chamber or by any method other than a method that immediately and painlessly renders the domestic animal initially unconscious and subsequently dead. A person who violates this prohibition is guilty of a misdemeanor of the fourth degree. This prohibition does not apply to or prohibit the slaughtering of livestock or the taking of any wild animal when taken in accordance with the Hunting Law. (Secs. 959.06 and 959.99(C).)

### **Definitions**

As used in the bill:

"Animal shelter" means a facility that is owned or operated by a society that is organized under the Humane Society Law or a dog pound that is operated pursuant to the Dogs Law (secs. 955.16(G)(1) and 959.06(A)(1)).

"Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than 31 cartridges without reloading other than a firearm chambering only .22 caliber short, long, or long-rifle cartridges. (Secs. 955.06(G)(2) and 959.06(A)(2), by reference to sec. 2923.11(E).)

"Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm and any firearm that is inoperable, but that can readily be rendered operable. (Secs. 955.06(G)(2) and 959.06(A)(2), by reference to sec. 2923.11(B)(1).)

"Handgun" means any firearm designed to be fired while being held in one hand (secs. 955.06(G)(2) and 959.06(A)(2), by reference to sec. 2923.11(C)).

"Sawed-off firearm" means a shotgun with a barrel less than 18 inches long, or a rifle with a barrel less than 16 inches long, or a shotgun or rifle less than 26 inches long overall (secs. 955.06(G)(2) and 959.06(A)(2), by reference to sec. 2923.11(F)).



"Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire with a single function of the trigger (secs. 955.06(G)(2) and 959.06(A)(2), by reference to sec. 2923.11(D)).

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-04-03	p. 205
Re-referred to H. Agriculture & Natural Resources	02-03-04	p. 1600

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