



## MEMORANDUM

**TO:** The Pennsylvania House Judiciary Committee

**FROM:** Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

**DATE:** May 3, 2021

**RE: OPPOSITION TO HB 940 P.N. 948 (RIGBY) – “Titan’s Law”**

**Bill summary:** [HB 940](#) (PN 948) would create two new offenses, neither one requiring intentionality, that would make it unlawful to:

1. Recklessly torture, mutilate, injure, disable, poison or kill a police animal — graded as a first-degree misdemeanor; and
2. Torture, mutilate, injure, disable, poison or kill a police animal while engaged as a principal or an accomplice in the perpetration of a felony — graded as a third-degree felony.

**On behalf of over 100,000 members and supporters of the ACLU of Pennsylvania, I respectfully urge you to oppose House Bill 940.**

**HB 940 would create a new offense, remove intentionality, and then punishes it more severely than a similar offense.**

Under [§ 5533. Cruelty to animal](#), it is already unlawful to intentionally, knowingly or recklessly abuse an animal in a manner that causes bodily injury to the animal or places the animal at imminent risk of serious bodily injury. That offense is graded as a second-degree misdemeanor. HB 940 would create a new, similar offense based on reckless, *not intentional*, injury or death of a police animal and would grade it more severely — a first-degree misdemeanor, punishable by up to five years in prison.

This provision is also similar to aggravated cruelty to an animal ([§ 5534](#)), in that it covers torture, abuse, or neglect that causes serious bodily injury to or the death of an animal. But § 5534 is graded one degree higher (F3) because unlike the new offense in HB 940, § 5534 requires knowledge or intent.

**HB 940 would hold people responsible for the accidental injury or death of a police animal during the course of a police investigation.**

Under [§ 5548. Police animals](#), it is already a third-degree felony to intentionally or knowingly taunt, torment, tease, beat, kick or strike a police animal and a second-degree felony to intentionally or knowingly torture, mutilate, injure, disable, poison or kill a police animal.

HB 940 would create a new third-degree felony ***that requires no specific intent to commit injury against the animal***. Similar to the felony murder rule, it effectively presumes the necessary intent to harm the animal from the intent to commit the underlying felony. In other words, committing the felony would create the recklessness sufficient to establish the intent to hurt the animal. It is also similar to strict liability, which holds someone liable for harm they cause no matter their intent.

The accidental injury of a police animal during the commission of a crime, with no requirement of [mens rea](#) whatsoever, should not be a criminal offense — and certainly not a third-degree felony, punishable by up to seven years in prison. This is an egregious expansion of current law.

**For these reasons, we urge you to oppose House Bill 940.**