



# Is it Legal to Shoot & Kill A Dog?

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Many people are unsure as to whether it is legal to shoot and kill a dog in Pennsylvania. Following are laws, considerations and case law that address this issue.

In PA, there are only two legal reasons for shooting and killing a dog:

1. **The dog is attacking a person or animal.** Under 3 P.S. 459-501, Pennsylvania law authorizes any individual to kill a dog which that individual 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.”
2. **In an emergency when a dog is experiencing intense pain and suffering, professional veterinarian care is unavailable.**

## Important Considerations

It is important to remember that if the suffering of the animal does not meet #2 and the pain can be been alleviated or prevented by veterinary care, that care must be provided.

In fact, if the animal has not received the necessary care an owner may face serious neglect and cruelty charges.

**§ 5532. Neglect of animal.** 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: (3) Necessary veterinary care. (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.

**§ 5534. Aggravated cruelty to animal.** A person commits an offense if the person intentionally or knowingly does any of the following: (2) Violates section 5532 (relating to neglect of 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.

## Case Law

An overview of Pennsylvania laws for this issue (Cruelty to Animals Statute, the Animal Destruction Law, the AVMA Guidelines on Humane Euthanasia) can be confusing and sometimes appear conflicting.

However, pertinent statutes for this topic were reviewed and considered in COMMONWEALTH V KNEVELLER ANIMAL LAW (Pa. Super. Ct. 2010).

The Pennsylvania Superior Court determined that the owner of an animal is not afforded the absolute right to kill the animal.