

(PRE-FILED)

By: **Delegate Stern**
Requested: November 15, 1999
Introduced and read first time: January 12, 2000
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Cruelty to Animals - Penalties**

3 FOR the purpose of making it a felony for a person to torment, intentionally injure, or
4 cruelly kill a dog or other animal that is trained in a recognized animal training
5 school to assist physically disabled persons; making certain acts involving
6 cruelty to animals felonies; imposing certain penalties and enhancing certain
7 other penalties for certain prohibited acts; requiring participation in certain
8 programs to be included in the sentencing for certain violations; and generally
9 relating to cruelty to animals.

10 BY repealing and reenacting, with amendments,
11 Article 27 - Crimes and Punishments
12 Section 59
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 1999 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article 27 - Crimes and Punishments**

18 59.

19 (a) [Any] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, ANY
20 person who (1) overdrives, overloads, deprives of necessary sustenance, tortures,
21 torments, or cruelly beats; or (2) causes, procures or authorizes these acts; or (3)
22 having the charge or custody of an animal, either as owner or otherwise, inflicts
23 unnecessary suffering or pain upon the animal, or unnecessarily fails to provide the
24 animal with nutritious food in sufficient quantity, necessary veterinary care, proper
25 drink, air, space, shelter or protection from the weather; or (4) uses or permits to be
26 used any bird, fowl, or cock for the purpose of fighting with any other animal, which
27 is commonly known as cockfighting; or (5) knowingly attends a deliberately conducted
28 dogfight as a spectator, is guilty of a [misdemeanor] FELONY punishable by a fine not
29 exceeding [\$1,000] \$10,000 or by imprisonment not to exceed 90 days, or both.

1 (b) (1) [Any] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,
2 ANY person who (i) intentionally mutilates or cruelly kills an animal, or causes,
3 procures, or authorizes the cruel killing or intentional mutilation of an animal; or (ii)
4 uses or permits a dog to be used in or arranges or conducts a dogfight; or (iii) except
5 in the case of self-defense, intentionally inflicts bodily harm, disability, or death on an
6 animal used by a law enforcement unit, is guilty of a [misdemeanor] FELONY
7 punishable by a fine not exceeding [\$5,000] \$10,000 or by imprisonment not to exceed
8 3 years, or both.

9 (2) As a condition of sentence for a person convicted under SUBSECTION
10 (A) OF THIS SECTION OR paragraph (1) of this subsection, a court may order the
11 person to participate in psychological counseling that is to be paid for by the person.

12 (C) (1) A PERSON MAY NOT TORMENT, INTENTIONALLY INJURE, OR
13 CRUELLY KILL A DOG OR OTHER ANIMAL THAT IS TRAINED IN A RECOGNIZED
14 ANIMAL TRAINING SCHOOL TO ASSIST PHYSICALLY DISABLED PERSONS.

15 (2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A FELONY
16 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$25,000 OR
17 IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH.

18 (D) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION SHALL BE
19 REQUIRED TO PARTICIPATE IN:

20 (1) A COMMUNITY SERVICE PROGRAM NOT EXCEEDING 1 YEAR; OR

21 (2) A PSYCHOLOGICAL COUNSELING PROGRAM THAT IS TO BE PAID FOR
22 BY THE PERSON.

23 [(c)] (E) Customary and normal veterinary and agricultural husbandry
24 practices including but not limited to dehorning, castration, docking tails, and limit
25 feeding, are not covered by the provisions of this section. In the case of activities in
26 which physical pain may unavoidably be caused to animals, such as food processing,
27 pest elimination, animal training, and hunting, cruelty shall mean a failure to employ
28 the most humane method reasonably available. It is the intention of the General
29 Assembly that all animals, whether they be privately owned, strays, domesticated,
30 feral, farm, corporately or institutionally owned, under private, local, State, or
31 federally funded scientific or medical activities, or otherwise being situated in
32 Maryland shall be protected from intentional cruelty, but that no person shall be
33 liable for criminal prosecution for normal human activities to which the infliction of
34 pain to an animal is purely incidental and unavoidable.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 2000.