

SENATE BILL 965

D4, E1

7lr3250
CF 7lr3068

By: **Senators Raskin, Lenett, Madaleno, Pugh, Robey, Stone, and Zirkin**

Introduced and read first time: February 28, 2007

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

Protective Orders and Stalking – Cruelty Toward a Pet

3 FOR the purpose of authorizing a court, in a certain interim protective order,
4 temporary protective order, or final protective order, to order a respondent to
5 remain away from a certain pet or to refrain from cruelty or aggravated cruelty
6 toward the pet; altering a certain definition of “stalking” to include a malicious
7 course of conduct that puts another person in reasonable fear that a certain pet
8 likely will suffer cruelty or aggravated cruelty; making clarifying changes; and
9 generally relating to protective orders and stalking and cruelty toward a pet.

10 BY repealing and reenacting, with amendments,

Article – Family Law

Section 4–504.1(c)(7) and (8), 4–505(a)(2)(vi) and (vii), and 4–506(d)(12) and (13)

Annotated Code of Maryland

(2006 Replacement Volume)

15 BY adding to

Article – Family Law

Section 4–504.1(c)(9), 4–505(a)(2)(viii), and 4–506(d)(14)

Annotated Code of Maryland

(2006 Replacement Volume)

20 BY repealing and reenacting, without amendments,

Article – Courts and Judicial Proceedings

Section 11–110(a)(1) and (3)

Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2006 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3-802
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10-601(a), (b), and (c), 10-604(a), and 10-606(a)
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

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

Article - Family Law

15 4-504.1.

16 (c) An interim protective order may:

(7) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief; [or]

(8) order the respondent to remain away from the residence of any family member of a person eligible for relief; **OR**

(9) IF THE PERSON ELIGIBLE FOR RELIEF OR A FAMILY MEMBER OF THE PERSON ELIGIBLE FOR RELIEF HAS A PET, AS DEFINED IN § 11-110 OF THE COURTS ARTICLE, ORDER THE RESPONDENT TO:

24 (I) REMAIN AWAY FROM THE PET; OR

28 4-505.

1 (a) (2) The temporary protective order may order any or all of the
2 following relief:

(vi) order the respondent to remain away from a child care provider of a person eligible for relief while a child of the person is in the care of the child care provider; [and]

(vii) award temporary custody of a minor child of the person eligible for relief and the respondent; **AND**

(VIII) IF THE PERSON ELIGIBLE FOR RELIEF OR A FAMILY MEMBER OF THE PERSON ELIGIBLE FOR RELIEF HAS A PET, AS DEFINED IN § 11-110 OF THE COURTS ARTICLE, ORDER THE RESPONDENT TO:

1. REMAIN AWAY FROM THE PET; OR

**2. REFRAIN FROM CRUELTY OR AGGRAVATED
CRUELTY TOWARD THE PET AS PROHIBITED UNDER § 10-604(A) OR § 10-606(A)
OF THE CRIMINAL LAW ARTICLE.**

15 4-506.

16 (d) The final protective order may include any or all of the following relief:

(12) order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession for the duration of the protective order; [or]

21 **(14) IF THE PERSON ELIGIBLE FOR RELIEF OR A FAMILY MEMBER**
22 **OF THE PERSON ELIGIBLE FOR RELIEF HAS A PET, AS DEFINED IN § 11-110 OF**
23 **THE COURTS ARTICLE, ORDER THE RESPONDENT TO:**

24 (I) REMAIN AWAY FROM THE PET; OR

(II) REFRAIN FROM CRUELTY OR AGGRAVATED CRUELTY
TOWARD THE PET AS PROHIBITED UNDER § 10-604(A) OR § 10-606(A) OF THE
CRIMINAL LAW ARTICLE.

1 11–110.

- 2 (a) (1) In this section the following words have the meanings indicated.
- 3 (3) (i) “Pet” means a domesticated animal.
- 4 (ii) “Pet” does not include livestock.

5 **Article – Criminal Law**

6 3–802.

7 (a) In this section, “stalking” means a malicious course of conduct that
8 includes approaching or pursuing another **PERSON** where the person intends to place
9 or knows or reasonably should have known the conduct would place [another] **THE**
10 **OTHER PERSON** in reasonable fear:

- 11 (1) (i) of serious bodily injury;
- 12 (ii) of an assault in any degree;
- 13 (iii) of rape or sexual offense as defined by §§ 3–303 through
14 3–308 of this article or attempted rape or sexual offense in any degree;
- 15 (iv) of false imprisonment; or
- 16 (v) of death; [or]
- 17 (2) that a third person likely will suffer any of the acts listed in item
18 (1) of this subsection; **OR**

19 (3) **THAT A PET, AS DEFINED IN § 11–110 OF THE COURTS**
20 **ARTICLE, OF THE OTHER PERSON OR A THIRD PERSON LIKELY WILL SUFFER**
21 **CRUELTY OR AGGRAVATED CRUELTY AS PROHIBITED UNDER § 10–604(A) OR §**
22 **10–606(A) OF THIS ARTICLE.**

- 23 (b) The provisions of this section do not apply to conduct that is:
- 24 (1) performed to ensure compliance with a court order;
- 25 (2) performed to carry out a specific lawful commercial purpose; or

1 (3) authorized, required, or protected by local, State, or federal law.

2 (c) A person may not engage in stalking.

3 (d) A person who violates this section is guilty of a misdemeanor and on
4 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding
5 \$5,000 or both.

6 (e) A sentence imposed under this section may be separate from and
7 consecutive to or concurrent with a sentence for any other crime based on the acts
8 establishing a violation of this section.

9 10–601.

10 (a) In this subtitle the following words have the meanings indicated.

11 (b) “Animal” means a living creature except a human being.

12 (c) (1) “Cruelty” means the unnecessary or unjustifiable physical pain or
13 suffering caused or allowed by an act, omission, or neglect.

14 (2) “Cruelty” includes torture and torment.

15 10–604.

16 (a) A person may not:

17 (1) overdrive or overload an animal;

18 (2) deprive an animal of necessary sustenance;

19 (3) inflict unnecessary suffering or pain on an animal;

20 (4) cause, procure, or authorize an act prohibited under item (1), (2), or
21 (3) of this subsection; or

22 (5) if the person has charge or custody of an animal, as owner or
23 otherwise, unnecessarily fail to provide the animal with nutritious food in sufficient
24 quantity, necessary veterinary care, proper drink, air, space, shelter, or protection
25 from the weather.

26 10–606.

1 (a) A person may not:

2 (1) intentionally mutilate, torture, cruelly beat, or cruelly kill an
3 animal;

4 (2) cause, procure, or authorize an act prohibited under item (1) of this
5 subsection; or

6 (3) except in the case of self-defense, intentionally inflict bodily harm,
7 permanent disability, or death on an animal owned or used by a law enforcement unit.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2007.