

# SENATE BILL 736

E1, D4  
SB 615/08 – JPR

9lr0935  
CF 9lr1952

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By: **Senators Raskin, Forehand, and Stone**  
Introduced and read first time: February 6, 2009  
Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Violence – Cruelty Toward a Pet or Service Animal**

3 FOR the purpose of authorizing a District Court Commissioner, in a certain interim  
4 protective order, and a judge in a temporary protective order or final protective  
5 order, to order a respondent to remain away from a certain pet or service  
6 animal, to refrain from cruelty or aggravated cruelty toward the pet or service  
7 animal, or in certain circumstances, to give the pet or service animal to a  
8 certain person; providing certain penalties for failure to comply with certain  
9 relief ordered in a certain interim protective order, temporary protective order,  
10 or final protective order; defining certain terms; and generally relating to  
11 domestic violence and cruelty toward a pet or service animal.

12 BY repealing and reenacting, without amendments,  
13 Article – Criminal Law  
14 Section 10–601(a), (b), and (c), 10–604(a), and 10–606(a)  
15 Annotated Code of Maryland  
16 (2002 Volume and 2008 Supplement)

17 BY repealing and reenacting, without amendments,  
18 Article – Family Law  
19 Section 4–501(a) and (l)  
20 Annotated Code of Maryland  
21 (2006 Replacement Volume and 2008 Supplement)

22 BY adding to  
23 Article – Family Law  
24 Section 4–501(m) and (q), 4–504.1(c)(9), 4–505(a)(2)(viii), and 4–506(d)(14)  
25 Annotated Code of Maryland  
26 (2006 Replacement Volume and 2008 Supplement)

27 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 Article – Family Law

2 Section 4–501(m), (n), (o), (p), (q), and (r), 4–504.1(c)(7) and (8), 4–505(a)(2)(vi)  
3 and (vii), 4–506(d)(12) and (13), and 4–509(a)

4 Annotated Code of Maryland

5 (2006 Replacement Volume and 2008 Supplement)

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

8 **Article – Criminal Law**

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.

27 (a) A person may not:

28 (1) intentionally mutilate, torture, cruelly beat, or cruelly kill an  
29 animal;



1                   3.     a person related to the child or vulnerable adult by  
2 blood, marriage, or adoption; or

3                   4.     an adult who resides in the home.

4           [(n)] (O)     “Residence” includes the yard, grounds, outbuildings, and common  
5 areas surrounding the residence.

6           [(o)] (P)     “Respondent” means the person alleged in the petition to have  
7 committed the abuse.

8           **(Q)     “SERVICE ANIMAL” MEANS A GUIDE DOG, SIGNAL DOG, OR OTHER**  
9 **ANIMAL INDIVIDUALLY TRAINED TO DO WORK OR PERFORM TASKS FOR THE**  
10 **BENEFIT OF AN INDIVIDUAL WITH A DISABILITY, INCLUDING:**

11                   **(1)     GUIDING INDIVIDUALS WITH IMPAIRED VISION;**

12                   **(2)     ALERTING INDIVIDUALS WITH IMPAIRED HEARING TO AN**  
13 **INTRUDER OR SOUNDS;**

14                   **(3)     PROVIDING MINIMAL PROTECTION OR RESCUE WORK;**

15                   **(4)     PULLING A WHEELCHAIR; OR**

16                   **(5)     FETCHING DROPPED ITEMS.**

17           [(p)] (R)     “Temporary protective order” means a protective order issued  
18 under § 4–505 of this subtitle.

19           [(q)] (S)     “Victim” includes a person eligible for relief.

20           [(r)] (T)     “Vulnerable adult” has the meaning provided in § 14–101(q) of this  
21 article.

22 4–504.1.

23           (c)     An interim protective order may:

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

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

1           **(9) IF THE PERSON ELIGIBLE FOR RELIEF OR A FAMILY MEMBER**  
2 **OF THE PERSON ELIGIBLE FOR RELIEF HAS A PET OR A SERVICE ANIMAL OR THE**  
3 **RESPONDENT HAS POSSESSION OF A PET OR SERVICE ANIMAL, ORDER THE**  
4 **RESPONDENT TO:**

5                   **(I) REMAIN AWAY FROM THE PET OR SERVICE ANIMAL;**

6                   **(II) REFRAIN FROM CRUELTY OR AGGRAVATED CRUELTY**  
7 **TOWARD THE PET OR SERVICE ANIMAL AS PROHIBITED UNDER § 10-604(A) OR §**  
8 **10-606(A) OF THE CRIMINAL LAW ARTICLE; OR**

9                   **(III) IF THE RESPONDENT HAS POSSESSION OF THE PET OR**  
10 **SERVICE ANIMAL, GIVE THE PET OR SERVICE ANIMAL TO THE PERSON ELIGIBLE**  
11 **FOR RELIEF, TO A FAMILY MEMBER OF THE PERSON ELIGIBLE FOR RELIEF, OR**  
12 **TO A SUITABLE THIRD PARTY.**

13 4-505.

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

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

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

21                   **(VIII) IF THE PERSON ELIGIBLE FOR RELIEF OR A FAMILY**  
22 **MEMBER OF THE PERSON ELIGIBLE FOR RELIEF HAS A PET OR SERVICE ANIMAL**  
23 **OR THE RESPONDENT HAS POSSESSION OF A PET OR SERVICE ANIMAL, ORDER**  
24 **THE RESPONDENT TO:**

25                           **1. REMAIN AWAY FROM THE PET OR SERVICE**  
26 **ANIMAL;**

27                           **2. REFRAIN FROM CRUELTY OR AGGRAVATED**  
28 **CRUELTY TOWARD THE PET OR SERVICE ANIMAL AS PROHIBITED UNDER §**  
29 **10-604(A) OR § 10-606(A) OF THE CRIMINAL LAW ARTICLE; OR**

30                           **3. IF THE RESPONDENT HAS POSSESSION OF THE**  
31 **PET OR SERVICE ANIMAL, GIVE THE PET OR SERVICE ANIMAL TO THE PERSON**  
32 **ELIGIBLE FOR RELIEF, TO A FAMILY MEMBER OF THE PERSON ELIGIBLE FOR**  
33 **RELIEF, OR TO A SUITABLE THIRD PARTY.**

1 4-506.

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

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

5 (13) order the respondent to pay filing fees and costs of a proceeding  
6 under this subtitle; **OR**

7 **(14) IF THE PERSON ELIGIBLE FOR RELIEF OR A FAMILY MEMBER**  
8 **OF THE PERSON ELIGIBLE FOR RELIEF HAS A PET OR SERVICE ANIMAL OR THE**  
9 **RESPONDENT HAS POSSESSION OF A PET OR SERVICE ANIMAL, ORDER THE**  
10 **RESPONDENT TO:**

11 **(I) REMAIN AWAY FROM THE PET OR SERVICE ANIMAL;**

12 **(II) REFRAIN FROM CRUELTY OR AGGRAVATED CRUELTY**  
13 **TOWARD THE PET OR SERVICE ANIMAL AS PROHIBITED UNDER § 10-604(A) OR §**  
14 **10-606(A) OF THE CRIMINAL LAW ARTICLE; OR**

15 **(III) IF THE RESPONDENT HAS POSSESSION OF THE PET OR**  
16 **SERVICE ANIMAL, GIVE THE PET OR SERVICE ANIMAL TO THE PERSON ELIGIBLE**  
17 **FOR RELIEF, TO A FAMILY MEMBER OF THE PERSON ELIGIBLE FOR RELIEF, OR**  
18 **TO A SUITABLE THIRD PARTY.**

19 4-509.

20 (a) A person who fails to comply with the relief granted in an interim  
21 protective order under § 4-504.1(c)(1), (2), (3), (4)(i), (7), [or] (8), **OR (9)** of this  
22 subtitle, a temporary protective order under § 4-505(a)(2)(i), (ii), (iii), (iv), [or] (v), **OR**  
23 **(VIII)** of this subtitle, or a final protective order under § 4-506(d)(1), (2), (3), (4), (5),  
24 [or] (12), **OR (14)** of this subtitle is guilty of a misdemeanor and on conviction is  
25 subject, for each offense, to:

26 (1) for a first offense, a fine not exceeding \$1,000 or imprisonment not  
27 exceeding 90 days or both; and

28 (2) for a second or subsequent offense, a fine not exceeding \$2,500 or  
29 imprisonment not exceeding 1 year or both.

30 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
31 **October 1, 2009.**