

# HOUSE BILL 1124

E1

4lr1496

---

By: **Delegates Luedtke, Barkley, Barnes, Bobo, Cardin, Carr, DeBoy, Frush, Gilchrist, Gutierrez, Guzzone, Haddaway–Riccio, Healey, Hixson, Huckler, Kach, A. Kelly, Kramer, Malone, McIntosh, McMillan, Mizeur, S. Robinson, Rosenberg, Stein, Tarrant, F. Turner, Waldstreicher, and A. Washington**

Introduced and read first time: February 7, 2014

Assigned to: Environmental Matters

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Possession of Dangerous and Wild Animals**

3 FOR the purpose of altering the list of entities and individuals to which certain  
4 provisions relating to dangerous and wild animals, including a prohibition on  
5 importing into the State, offering for sale, trading, bartering, possessing,  
6 breeding, or exchanging certain animals, do not apply; prohibiting the holder of  
7 a certain federal exhibitor’s license from possessing certain animals not  
8 possessed by the holder on a certain date under certain circumstances;  
9 authorizing a holder of a certain federal exhibitor’s license to replace certain  
10 animals that were owned by the holder on a certain date if certain conditions  
11 are met; prohibiting a person from allowing a member of the public to come in  
12 direct contact with certain animals; requiring an owner of certain animals to  
13 report certain potential exposures to disease to the local animal control  
14 authority within a certain period of time; and generally relating to the  
15 possession of dangerous and wild animals.

16 BY repealing and reenacting, with amendments,  
17 Article – Criminal Law  
18 Section 10–621  
19 Annotated Code of Maryland  
20 (2012 Replacement Volume and 2013 Supplement)

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

23 **Article – Criminal Law**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 10-621.

2 (a) (1) **[This] EXCEPT AS PROVIDED IN SUBSECTION (B)(2) OF THIS**  
3 **SECTION, THIS** section does not apply to:

4 (i) a research facility or federal research facility licensed under  
5 the federal Animal Welfare Act;

6 (ii) **[an exhibitor licensed under the federal Animal Welfare Act]**  
7 **THE HOLDER OF A CLASS C EXHIBITOR'S LICENSE UNDER THE ANIMAL**  
8 **WELFARE ACT, 7 U.S.C. § 2131 ET SEQ.,** that displays the animals specified in  
9 subsection (b) of this section in a public setting as the exhibitor's primary function;

10 (iii) a person who possesses a valid license or permit issued by  
11 the Department of Natural Resources to import, sell, trade, barter, possess, breed, or  
12 exchange an animal specified in subsection (b) of this section;

13 (iv) an animal sanctuary that:

14 1. is a nonprofit organization qualified under § 501(c)(3)  
15 of the Internal Revenue Code;

16 2. operates a place of refuge for abused, neglected,  
17 impounded, abandoned, orphaned, or displaced wildlife;

18 3. does not conduct commercial activity with respect to  
19 any animal of which the organization is an owner; **[and]**

20 4. does not buy, sell, trade, lease, or breed any animal  
21 except as an integral part of **[the species survival plan of the American Zoo and**  
22 **Aquarium Association]** **AN ASSOCIATION OF ZOOS AND AQUARIUMS SPECIES**  
23 **SURVIVAL PLAN; AND**

24 **5. DOES NOT ALLOW MEMBERS OF THE PUBLIC TO**  
25 **BE IN PROXIMITY TO AN ANIMAL SPECIFIED UNDER SUBSECTION (B) OF THIS**  
26 **SECTION, INCLUDING OPPORTUNITIES TO BE PHOTOGRAPHED WITH THE**  
27 **ANIMAL, WITHOUT SUFFICIENT DISTANCE AND PROTECTIVE BARRIERS;**

28 (v) an animal control officer under the jurisdiction of the State  
29 or a local governing authority, a law enforcement officer acting under the authority of  
30 this subtitle, or a private contractor of a county or municipal corporation that is  
31 responsible for animal control operations;

32 (vi) a person who holds a valid license to practice veterinary  
33 medicine in the State and treats the animal specified in subsection (b) of this section  
34 in accordance with customary and normal veterinary practices; **[and]**

1 (vii) a person who is not a resident of the State and is in the  
2 State for 10 days or less for the purpose of traveling between locations outside of the  
3 State;

4 (VIII) A CIRCUS HOLDING A CLASS C EXHIBITOR'S LICENSE  
5 UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., THAT:

6 1. IS IN THE STATE FOR LESS THAN 90 DAYS PER  
7 CALENDAR YEAR;

8 2. REGULARLY CONDUCTS PERFORMANCES  
9 FEATURING LIVE ANIMALS AND MULTIPLE HUMAN ENTERTAINERS, INCLUDING  
10 ACROBATS AND CLOWNS; AND

11 3. DOES NOT ALLOW MEMBERS OF THE PUBLIC TO  
12 BE IN PROXIMITY TO AN ANIMAL SPECIFIED UNDER SUBSECTION (B) OF THIS  
13 SECTION, INCLUDING OPPORTUNITIES TO BE PHOTOGRAPHED WITH THE  
14 ANIMAL, WITHOUT SUFFICIENT DISTANCE AND PROTECTIVE BARRIERS; AND

15 (IX) AN INSTITUTION ACCREDITED BY THE ASSOCIATION OF  
16 ZOOS AND AQUARIUMS OR A CERTIFIED RELATED FACILITY THAT  
17 COORDINATES AN ASSOCIATION OF ZOOS AND AQUARIUMS SPECIES SURVIVAL  
18 PLAN FOR THE BREEDING OF SPECIES LISTED AS THREATENED OR  
19 ENDANGERED UNDER 16 U.S.C. § 1533.

20 (2) (i) This section does not prohibit a person who had lawful  
21 possession of an animal specified in subsection (b) of this section on or before May 31,  
22 2006, from continuing to possess that animal if the person provides written  
23 notification to the local animal control authority on or before August 1, 2006.

24 (ii) The notification shall include:

- 25 1. the person's name, address, and telephone number;
- 26 2. the number and type of animals being kept; and
- 27 3. a photograph of the animal or a description of a tattoo  
28 or microchip identification of the animal.

29 (3) This section does not prohibit a person who has a disability that  
30 severely limits mobility from possessing an animal specified in subsection (b) of this  
31 section if that animal is:

1 (i) trained to perform tasks for the owner by an organization  
2 described in Section 501(c) of the Internal Revenue Code; and

3 (ii) dedicated to improving the quality of life of a person who has  
4 a disability that severely limits mobility.

5 (b) (1) A person may not import into the State, offer for sale, trade,  
6 barter, possess, breed, or exchange a live:

7 [(1)] (I) fox, skunk, raccoon, or bear;

8 [(2)] (II) caiman, alligator, or crocodile;

9 [(3)] (III) member of the cat family other than the domestic cat;

10 [(4)] (IV) hybrid of a member of the cat family and a domestic cat if  
11 the hybrid weighs over 30 pounds;

12 [(5)] (V) member of the dog family other than the domestic dog;

13 [(6)] (VI) hybrid of a member of the dog family and a domestic dog;

14 [(7)] (VII) nonhuman primate, including a lemur, monkey,  
15 chimpanzee, gorilla, orangutan, marmoset, loris, or tamarin; or

16 [(8)] (VIII) poisonous snake in the family groups of Hydrophidae,  
17 Elapidae, Viperidae, or Crotolidae.

18 (2) NOTWITHSTANDING SUBSECTION (A)(1) OF THIS SECTION:

19 (I) 1. A PERSON MAY NOT ALLOW A MEMBER OF THE  
20 PUBLIC TO COME IN DIRECT CONTACT WITH AN ANIMAL SPECIFIED IN  
21 SUBSECTION (B)(1) OF THIS SECTION; AND

22 2. AN OWNER OF AN ANIMAL SPECIFIED IN  
23 SUBSECTION (B)(1) OF THIS SECTION, IF THE ANIMAL POTENTIALLY EXPOSES A  
24 HUMAN TO RABIES OR ANY OTHER ZONOTIC DISEASE BY PENETRATION OR  
25 ABRASION OF THE SKIN, SHALL REPORT THE POTENTIAL EXPOSURE TO THE  
26 LOCAL ANIMAL CONTROL AUTHORITY WITHIN 24 HOURS OF THE EXPOSURE;

27 (II) EXCEPT AS PROVIDED IN ITEM (III) OF THIS  
28 PARAGRAPH, THE HOLDER OF A CLASS C EXHIBITOR'S LICENSE UNDER THE  
29 ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., MAY NOT POSSESS A  
30 NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW  
31 LEOPARD, JAGUAR, CHEETAH, OR COUGAR OR A HYBRID OF ONE OF THESE

1 ANIMALS THAT WAS NOT OWNED BY THE HOLDER OF THE LICENSE ON  
2 SEPTEMBER 30, 2014; AND

3 (III) THE HOLDER OF A CLASS C EXHIBITOR'S LICENSE  
4 UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., MAY REPLACE A  
5 NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW  
6 LEOPARD, JAGUAR, CHEETAH, OR COUGAR OR A HYBRID OF ONE OF THESE  
7 ANIMALS THAT WAS OWNED BY THE HOLDER OF THE LICENSE ON SEPTEMBER  
8 30, 2014, ONLY IF DURING THE PRIOR 3 YEARS THE HOLDER OF THE LICENSE:

9 1. HAS NOT EXPERIENCED AN ESCAPE OF A  
10 NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW  
11 LEOPARD, JAGUAR, CHEETAH, OR COUGAR OR A HYBRID OF ONE OF THESE  
12 ANIMALS;

13 2. HAS NOT EXPERIENCED AN INCIDENT IN WHICH A  
14 NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW  
15 LEOPARD, JAGUAR, CHEETAH, OR COUGAR OR A HYBRID OF ONE OF THESE  
16 ANIMALS HAS INJURED A PERSON;

17 3. HAS NO UNITED STATES DEPARTMENT OF  
18 AGRICULTURE NONCOMPLIANT ITEMS CATEGORIZED AS DIRECT OR REPEAT;

19 4. HAS NO UNITED STATES DEPARTMENT OF  
20 AGRICULTURE NONCOMPLIANT ITEMS FOR INSUFFICIENT STAFFING LEVELS OR  
21 INADEQUATELY TRAINED EMPLOYEES; AND

22 5. HAS NO UNITED STATES DEPARTMENT OF  
23 AGRICULTURE NONCOMPLIANT ITEMS FOR FAILURE TO PROVIDE TO A  
24 NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW  
25 LEOPARD, JAGUAR, CHEETAH, OR COUGAR OR A HYBRID OF ONE OF THESE  
26 ANIMALS:

27 A. VETERINARY CARE;

28 B. SEPARATION FROM INCOMPATIBLE ANIMALS;

29 C. ENVIRONMENTAL ENRICHMENT;

30 D. PROPER HANDLING; OR

31 E. MINIMUM SPACE.

1 (c) (1) A person who violates this section is guilty of a misdemeanor and  
2 on conviction is subject to:

3 (i) if an individual, a fine not exceeding \$1,000; or

4 (ii) if not an individual, a fine not exceeding \$10,000.

5 (2) The provisions of this section may be enforced by:

6 (i) any State or local law enforcement officer; or

7 (ii) the local animal control authority for the jurisdiction where  
8 the violation occurs.

9 (d) (1) An animal specified in subsection (b) of this section may be  
10 immediately seized if:

11 (i) there is probable cause to believe that the possession of the  
12 animal is in violation of this section; or

13 (ii) the animal poses a risk to public health or public safety.

14 (2) An animal specified in subsection (b) of this section that is seized  
15 may be returned to the person who had possession of the animal at the time the  
16 animal was seized only if it is established that:

17 (i) possession of the animal by the person is not a violation of  
18 this section; and

19 (ii) the return of the animal does not pose a risk to public health  
20 or public safety.

21 (3) (i) Notice that the animal was seized shall be served on the  
22 person who had possession of the animal at the time the animal was seized by:

23 1. posting a copy of the notice at the place where the  
24 animal was seized;

25 2. regular and certified mail, return receipt requested; or

26 3. delivering the notice to a person residing on the  
27 property from which the animal was seized.

28 (ii) The notice shall include:

29 1. a description of the animal seized;



1                   (7)   (i)    Unless the court finds that the seizure of the animal was not  
2 justified by law, a person from whom the animal specified in subsection (b) of this  
3 section is seized is liable for all actual costs of care, keeping, and disposal of the  
4 animal.

5                   (ii)   The costs required under this paragraph shall be paid in full  
6 unless a mutually satisfactory agreement is made between the local animal control  
7 authority and the person claiming an interest in the animal.

8                   (8)   (i)    If there is no request for a hearing within 10 days of the  
9 notice or if the court orders a permanent and final disposition of the animal, the local  
10 animal control authority may take steps to find long-term placement of the animal  
11 with another appropriate facility that is equipped for the continued care of the  
12 particular species of the animal.

13                   (ii)   If there is no entity that is suitable for the care of the  
14 animal, the animal may be euthanized.

15                   (e)    This section does not limit a county or municipality from enacting laws or  
16 adopting regulations that are more restrictive pertaining to any potentially dangerous  
17 animals, including those specified in subsection (b) of this section.

18                   (f)    If the owner of an animal specified in subsection (b) of this section dies  
19 without making arrangements for the transfer of custody of the animal to another  
20 person, the animal may be turned over to one of the organizations specified in  
21 subsection (a)(1) of this section or euthanized if no suitable location can be found in a  
22 reasonable amount of time.

23                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2014.