

# HOUSE BILL 373

E2, E1

4lr1644

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By: **Delegates McConkey and Valderrama**

Introduced and read first time: January 23, 2014

Assigned to: Judiciary

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## A BILL ENTITLED

AN ACT concerning

### **Criminal Procedure – Animal Abuser Registration**

FOR the purpose of requiring a certain animal abuser to register with a certain law enforcement unit in the county in which the animal abuser is located within a certain time period; providing for reregistration for an animal abuser moving to a different location within the State; requiring an animal abuser to provide certain registration information; requiring a certain law enforcement unit to obtain certain information from an animal abuser; requiring an animal abuser to annually renew the registration for a certain period; requiring the law enforcement unit to forward certain information to the Department of Public Safety and Correctional Services; requiring the Department to maintain a certain registry; providing that certain information in the registry shall be made available to the public in a certain manner; prohibiting a person from intentionally or knowingly failing to comply with the registration requirements of this Act or providing false information when complying with the registration requirements of this Act; establishing penalties for a violation of this Act; defining certain terms; making the provisions of this Act severable; and generally relating to animal abuse.

BY adding to

Article – Criminal Procedure

Section 11–1101 through 11–1104 to be under the new subtitle “Subtitle 11.  
Animal Abuser Registration”

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

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

### **Article – Criminal Procedure**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**SUBTITLE 11. ANIMAL ABUSER REGISTRATION.****11-1101.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “ANIMAL ABUSER” MEANS AN ADULT WHO HAS BEEN CONVICTED OF A VIOLATION OF § 10-604, § 10-605, § 10-606, § 10-607, § 10-608, § 10-611, § 10-612, OR § 10-618 OF THE CRIMINAL LAW ARTICLE OR A COMPARABLE ANIMAL CRUELTY STATUTE OF ANOTHER STATE.

(C) “LOCAL LAW ENFORCEMENT UNIT” MEANS THE LAW ENFORCEMENT UNIT IN A COUNTY THAT HAS BEEN DESIGNATED BY RESOLUTION OF THE COUNTY GOVERNING BODY AS THE PRIMARY LAW ENFORCEMENT UNIT IN THE COUNTY.

**11-1102.**

(A) AN ANIMAL ABUSER WHO IS PHYSICALLY WITHIN THE BOUNDARIES OF THE STATE FOR MORE THAN 10 CONSECUTIVE DAYS SHALL REGISTER WITH THE LOCAL LAW ENFORCEMENT UNIT IN THE COUNTY IN WHICH THE ANIMAL ABUSER IS LOCATED BEFORE THE ANIMAL ABUSER’S 11TH CONSECUTIVE DAY IN THE STATE.

(B) A PREVIOUSLY REGISTERED ANIMAL ABUSER SHALL REREGISTER WITH THE LOCAL LAW ENFORCEMENT UNIT FOR THE COUNTY IN WHICH THE ANIMAL ABUSER IS LOCATED NO LATER THAN 10 DAYS AFTER MOVING TO A NEW LOCATION WITHIN THE STATE.

(C) AT THE TIME AN ANIMAL ABUSER REGISTERS WITH A LOCAL LAW ENFORCEMENT UNIT AS PROVIDED IN THIS SECTION:

(1) THE ANIMAL ABUSER SHALL PROVIDE THE FOLLOWING REGISTRATION INFORMATION:

(I) THE DATE OF BIRTH OF THE ANIMAL ABUSER;

(II) THE SOCIAL SECURITY NUMBER OF THE ANIMAL ABUSER;

(III) THE CURRENT ADDRESS OR LOCATION OF THE ANIMAL ABUSER;

(IV) THE PLACE OF EMPLOYMENT OF THE ANIMAL ABUSER;

(V) THE OFFENSE FOR WHICH THE ANIMAL ABUSER WAS CONVICTED; AND

(VI) THE DATE AND PLACE OF THE ANIMAL ABUSE CONVICTION OR CONVICTIONS OF THE ANIMAL ABUSER; AND

(2) THE LOCAL LAW ENFORCEMENT UNIT SHALL OBTAIN:

(I) A PHOTOGRAPH OF THE ANIMAL ABUSER;

(II) A COMPLETE SET OF FINGERPRINTS OF THE ANIMAL ABUSER; AND

(III) A DESCRIPTION OF TATTOOS, SCARS, OR OTHER DISTINGUISHING FEATURES OF THE ANIMAL ABUSER'S BODY THAT WOULD ASSIST IN IDENTIFYING THE ANIMAL ABUSER.

(D) FOLLOWING AN ANIMAL ABUSER'S INITIAL REGISTRATION IN ACCORDANCE WITH THIS SECTION, AN ANIMAL ABUSER SHALL RENEW ANNUALLY THE ANIMAL ABUSER'S REGISTRATION WITH THE LOCAL LAW ENFORCEMENT UNIT BEFORE DECEMBER 31 OF EACH SUBSEQUENT YEAR FOR A PERIOD OF 15 YEARS.

(E) THE LOCAL LAW ENFORCEMENT UNIT SHALL FORWARD ALL REGISTRATION INFORMATION OBTAINED FROM AN ANIMAL ABUSER UNDER SUBSECTION (C) OF THIS SECTION TO THE DEPARTMENT.

11-1103.

(A) THE DEPARTMENT SHALL MAINTAIN A CENTRAL REGISTRY OF ANIMAL ABUSERS REQUIRED TO REGISTER IN ACCORDANCE WITH THIS SUBTITLE.

(B) THE CENTRAL REGISTRY OF ANIMAL ABUSERS SHALL BE MADE AVAILABLE TO THE PUBLIC VIA INTERNET AND IN WRITTEN FORM ON WRITTEN OR ORAL REQUEST.

(C) ALL INFORMATION CONTAINED IN AN ANIMAL ABUSER'S REGISTRATION, EXCEPT FOR THE SOCIAL SECURITY NUMBER OF THE ANIMAL ABUSER, SHALL BE MADE AVAILABLE TO THE PUBLIC.

**(D) RECORDS OF EACH ANIMAL ABUSER'S REGISTRATION SHALL BE MAINTAINED FOR THE DURATION OF THE PERIOD IN WHICH THE ANIMAL ABUSER IS REQUIRED TO BE REGISTERED.**

**11-1104.**

**(A) A PERSON MAY NOT INTENTIONALLY OR KNOWINGLY FAIL TO COMPLY WITH THE REGISTRATION REQUIREMENTS OF THIS SUBTITLE OR PROVIDE FALSE INFORMATION WHEN COMPLYING WITH THE REGISTRATION REQUIREMENTS OF THIS SUBTITLE.**

**(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND**

**(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.