

SENATE BILL 912

E2, E1
SB 301/12 – JPR

4lr1012

By: **Senator Stone**

Introduced and read first time: January 31, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning

Maryland Animal Abuse Registry

FOR the purpose of requiring the Department of Public Safety and Correctional Services to establish the Maryland Animal Abuse Registry; requiring the Registry to be updated in a certain manner and to include certain information; requiring a certain person convicted of certain crimes involving animal cruelty to register with the county sheriff within a certain period of time after the conviction; requiring a registrant to provide certain information for registration; requiring the county sheriff to obtain a certain digital image from a person registering under this Act; requiring a registrant to update certain information in a certain manner; establishing that a certain registration shall stay in effect for a certain period of time; requiring the county sheriff to forward certain registration information to the Department; requiring certain registrants to pay an annual registration fee; requiring a county sheriff to remit certain fees in a certain manner; providing for the funding of the Animal Abuse Registry Fund and how money in the Fund is to be distributed; providing that Registry information is to be made public in a certain manner; providing for an appeal of a certain registration requirement; prohibiting a person subject to registration under this Act from knowingly failing to register or provide accurate information when registering; requiring a certain animal shelter, pet store, or animal breeder in this State to determine whether the name and address of a person seeking to purchase or adopt an animal appears on the Registry; prohibiting a certain animal shelter, pet store, or animal breeder from knowingly offering, selling, delivering, giving, or providing an animal to a person registered on the Registry; establishing penalties for a violation of this Act; defining certain terms; and generally relating to the establishment of an animal abuse registry.

BY adding to

Article – Criminal Procedure

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 11–1101 through 11–1111 to be under the new subtitle “Subtitle 11.
Maryland Animal Abuse Registry”
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

SUBTITLE 11. MARYLAND ANIMAL ABUSE REGISTRY.

11–1101.

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

(B) “ANIMAL ABUSE CRIME” MEANS:

(1) A VIOLATION OF § 10–606, § 10–607, § 10–608, OR § 10–618 OF THE CRIMINAL LAW ARTICLE;

(2) AN ATTEMPT TO COMMIT AN OFFENSE LISTED IN ITEM (1) OF THIS SUBSECTION; OR

(3) A CRIME COMMITTED IN A FEDERAL, STATE, OR FOREIGN JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OF THE CRIMES LISTED IN ITEM (1) OR (2) OF THIS SUBSECTION.

(C) “ANIMAL BREEDER” MEANS AN ENTITY ENGAGED IN THE PRACTICE OF FACILITATING THE REPRODUCTION OF ANIMALS FOR THE PURPOSE OF SELLING THE RESULTING OFFSPRING TO ONE OR MORE OTHER INDIVIDUALS OR ENTITIES.

(D) “ANIMAL SHELTER” MEANS A PUBLIC ANIMAL CONTROL FACILITY OR ANY OTHER FACILITY THAT IS OPERATED BY AN ORGANIZATION OR INDIVIDUAL FOR THE PURPOSE OF PROTECTING ANIMALS FROM CRUELTY, NEGLECT, OR ABUSE.

(E) “FUND” MEANS THE ANIMAL ABUSE REGISTRY FUND ESTABLISHED UNDER THIS SUBTITLE.

(F) “OFFENDER” MEANS A PERSON REQUIRED TO REGISTER UNDER § 11–1104 OF THIS SUBTITLE.

(G) "PET STORE" MEANS A PLACE OR PREMISES WHERE BIRDS, MAMMALS, OR REPTILES ARE KEPT FOR THE PURPOSE OF SALE, AT EITHER WHOLESALE OR RETAIL, IMPORT, EXPORT, BARTER, EXCHANGE, OR GIFT.

11-1102.

FOR THE PURPOSES OF THIS SUBTITLE, A PERSON IS CONVICTED WHEN THE PERSON:

- (1) IS FOUND GUILTY OF A CRIME BY A JURY OR JUDICIAL OFFICER;
- (2) ENTERS A PLEA OF GUILTY OR NOLO CONTENDERE;
- (3) IS GRANTED PROBATION BEFORE JUDGMENT AFTER A FINDING OF GUILT FOR A CRIME IF THE COURT, AS A CONDITION OF PROBATION, ORDERS COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBTITLE; OR
- (4) IS FOUND NOT CRIMINALLY RESPONSIBLE FOR A CRIME.

11-1103.

(A) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A CENTRAL COMPUTERIZED REGISTRY OF ALL PERSONS CONVICTED OF AN ANIMAL ABUSE CRIME THAT ARE REQUIRED TO REGISTER IN ACCORDANCE WITH § 11-1104 OF THIS SUBTITLE, TO BE KNOWN AS THE MARYLAND ANIMAL ABUSE REGISTRY.

(B) THE REGISTRY SHALL BE UPDATED BASED ON INFORMATION MADE AVAILABLE TO THE DEPARTMENT, INCLUDING INFORMATION ACQUIRED IN ACCORDANCE WITH THE REGISTRATION PROVISIONS OF § 11-1105 OF THIS SUBTITLE.

(C) THE REGISTRY SHALL INCLUDE:

- (1) THE OFFENDER'S NAME;
- (2) THE OFFENDER'S RESIDENTIAL ADDRESS;
- (3) THE DATE AND A DESCRIPTION OF THE CRIME FOR WHICH REGISTRATION IS REQUIRED; AND

(4) A DIGITAL IMAGE OF THE OFFENDER'S HEAD AND SHOULDERS TAKEN IN FULL-FACE VIEW WITH THE OFFENDER FACING THE CAMERA.

11-1104.

A PERSON CONVICTED OF AN ANIMAL ABUSE CRIME SHALL REGISTER WITH THE COUNTY SHERIFF FOR THE COUNTY IN WHICH THE PERSON IS LOCATED WITHIN 10 DAYS AFTER THE CONVICTION.

11-1105.

(A) A REGISTRANT SHALL PROVIDE THE COUNTY SHERIFF WITH THE FOLLOWING INFORMATION:

- (1) THE REGISTRANT'S LEGAL NAME;**
- (2) THE REGISTRANT'S CURRENT ADDRESS OR LOCATION;**
- (3) THE CRIME OF WHICH THE REGISTRANT WAS CONVICTED; AND**
- (4) THE DATE AND LOCATION OF THE CRIME.**

(B) THE COUNTY SHERIFF SHALL OBTAIN A DIGITAL IMAGE OF THE REGISTRANT'S HEAD AND SHOULDERS TAKEN IN FULL-FACE VIEW WITH THE OFFENDER FACING THE CAMERA.

(C) A PERSON REQUIRED TO REGISTER UNDER THIS SUBTITLE SHALL UPDATE THE INFORMATION:

- (1) ANNUALLY; AND**
- (2) TO REFLECT ANY CHANGE IN ADDRESS WITHIN 10 DAYS OF THE CHANGE.**

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, REGISTRATION UNDER THIS SUBTITLE SHALL REMAIN IN EFFECT FOR A PERIOD OF 5 YEARS FOLLOWING EITHER THE DATE OF JUDGMENT OR DATE OF RELEASE FROM INCARCERATION, WHICHEVER IS LATER.

(2) THE PERIOD DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE EXTENDED AN ADDITIONAL 5 YEARS FOR EACH CONVICTION FOR AN ANIMAL ABUSE CRIME THAT OCCURS AFTER THE INITIAL REGISTRATION.

(E) THE COUNTY SHERIFF SHALL FORWARD ALL REGISTRATION INFORMATION TO THE DEPARTMENT.

11-1106.

(A) IN ADDITION TO ANY FINE, FEE, OR PENALTY LEVIED OR IMPOSED AS PROVIDED BY LAW, EACH REGISTRANT SHALL PAY AN ANNUAL REGISTRATION FEE OF \$50.

(B) THE COUNTY SHERIFF SHALL REMIT THE ANNUAL REGISTRATION FEES COLLECTED UNDER SUBSECTION (A) OF THIS SECTION TO THE STATE TREASURER FOR DEPOSIT INTO THE FUND.

11-1107.

(A) (1) THERE IS AN ANIMAL ABUSE REGISTRY FUND.

(2) THE FUND CONSISTS OF:

(I) MONEY DISTRIBUTED TO THE FUND FROM ANNUAL REGISTRATION FEES COLLECTED UNDER § 11-1106 OF THIS SUBTITLE; AND

(II) MONEY MADE AVAILABLE TO THE FUND FROM ANY OTHER SOURCE.

(3) THE FUND IS A SPECIAL, CONTINUING, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(4) THE STATE TREASURER SHALL SEPARATELY HOLD AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(5) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME MANNER AS OTHER STATE FUNDS.

(6) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

(B) (1) THE FUND MAY BE USED ONLY FOR FUNDING THE ADMINISTRATION OF THIS SUBTITLE BY COUNTY SHERIFFS AND THE DEPARTMENT.

(2) UP TO 65% OF THE MONEY IN THE FUND SHALL BE PAYABLE TO THE COUNTIES TO FUND THE COLLECTION OF THE INFORMATION BY THE COUNTY SHERIFFS IN ACCORDANCE WITH § 11-1105 OF THIS SUBTITLE.

(3) UP TO 35% OF THE MONEY IN THE FUND SHALL BE PAYABLE TO THE DEPARTMENT TO FUND THE ESTABLISHMENT AND ADMINISTRATION OF THE MARYLAND ANIMAL ABUSE REGISTRY IN ACCORDANCE WITH § 11-1103 OF THIS SUBTITLE.

(C) THIS SECTION DOES NOT PROHIBIT THE FUND FROM RECEIVING MONEY FROM ANY OTHER SOURCE.

11-1108.

INFORMATION CONTAINED IN THE MARYLAND ANIMAL ABUSE REGISTRY SHALL BE MADE AVAILABLE TO THE PUBLIC THROUGH THE INTERNET, BY TELEPHONE, BY WRITTEN ACCESS, AND IN PERSON.

11-1109.

(A) A PERSON CONVICTED OF AN ANIMAL ABUSE CRIME WHO WOULD OTHERWISE BE REQUIRED TO REGISTER UNDER § 11-1104 OF THIS SUBTITLE MAY APPEAL TO THE CIRCUIT COURT IN THE COUNTY IN WHICH THE PERSON RESIDES FOR A DETERMINATION OF THE LEVEL OF DANGER POSED BY THE OFFENDER.

(B) (1) (I) THE CIRCUIT COURT MAY MAKE A FINDING THAT THE CIRCUMSTANCES OF THE CRIME, IN CONJUNCTION WITH THE OFFENDER'S CRIMINAL HISTORY, DO NOT INDICATE A RISK OF REOFFENDING BY THE OFFENDER OR THAT THE OFFENDER IS A DANGER TO THE PUBLIC.

(II) THE CIRCUIT COURT SHALL SPECIFY IN WRITING THE REASONS FOR ITS FINDING.

(2) ON MAKING THE FINDINGS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE CIRCUIT COURT SHALL NOTIFY THE OFFENDER AND ORDER THE DEPARTMENT TO REMOVE THE OFFENDER'S REGISTRATION INFORMATION FROM THE REGISTRY.

11-1110.

(A) A PERSON WHO IS SUBJECT TO REGISTRATION UNDER § 11-1104 OF THIS SUBTITLE MAY NOT KNOWINGLY FAIL TO:

(1) REGISTER WITH THE COUNTY SHERIFF; OR

(2) PROVIDE ACCURATE INFORMATION WHEN REGISTERING UNDER § 11-1105 OF THIS SUBTITLE.

(B) A PERSON WHO VIOLATES THIS SECTION:

(1) FOR A FIRST OFFENSE, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

11-1111.

(A) AN ANIMAL SHELTER, A PET STORE, OR AN ANIMAL BREEDER IN THIS STATE SHALL DETERMINE WHETHER THE NAME AND ADDRESS OF A PERSON SEEKING TO PURCHASE OR ADOPT AN ANIMAL APPEARS ON THE REGISTRY.

(B) AN ANIMAL SHELTER, A PET STORE, OR AN ANIMAL BREEDER MAY NOT KNOWINGLY OFFER, SELL, DELIVER, GIVE, OR PROVIDE AN ANIMAL TO A PERSON REGISTERED ON THE REGISTRY.

(C) AN ANIMAL SHELTER, A PET STORE, OR AN ANIMAL BREEDER THAT VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$500; OR

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

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