

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 362
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Costs of Care for Seized Animals” and substitute “Animal Cruelty – Payment of Costs”; strike beginning with “establishing” in line 3 down through “term;” in line 18 and substitute “authorizing a court to order a defendant convicted of a certain charge of animal cruelty, as a condition of sentencing, to pay, in addition to any other fines and costs, all reasonable costs, not exceeding a certain amount, incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; prohibiting a court from ordering a defendant to pay certain costs incurred after surrender of ownership of the animal by the defendant or after the animal is considered a stray; requiring a certain notice to be in writing; requiring a certain person who removes an animal under certain circumstances to provide notice to the animal’s owner of the right to surrender ownership of the animal;”; in line 19, strike “animals” and substitute “animal cruelty”; and in line 22, strike “10-615” and substitute “10-606, 10-607, 10-608, and 10-615”.

AMENDMENT NO. 2

On pages 2 through 6, strike in their entirety the lines beginning with line 4 on page 2 through line 5 on page 6, and substitute:

“10-606.

(a) A person may not:

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

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

(Over)

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

(b) (1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(2) (I) As a condition of sentencing, the court may order a defendant convicted of violating this section to:

1. participate in and pay for psychological counseling;

AND

2. EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, PAY, IN ADDITION TO ANY OTHER FINES AND COSTS, ALL REASONABLE COSTS, NOT EXCEEDING \$15,000, INCURRED IN REMOVING, HOUSING, TREATING, OR EUTHANIZING AN ANIMAL CONFISCATED FROM THE DEFENDANT.

(II) THE COURT MAY NOT ORDER A DEFENDANT CONVICTED OF VIOLATING THIS SECTION TO PAY ANY COSTS INCURRED AFTER SURRENDER OF OWNERSHIP OF AN ANIMAL BY THE DEFENDANT UNDER § 10-615(D)(1) OF THIS SUBTITLE OR AFTER AN ANIMAL IS CONSIDERED A STRAY UNDER § 10-615(E)(1) OF THIS SUBTITLE.

(3) As a condition of probation, the court may prohibit a defendant from owning, possessing, or residing with an animal.

10-607.

(a) In this section, "baiting" means using a dog to train a fighting dog or to test the fighting or killing instinct of another dog.

(b) A person may not:

- (1) use or allow a dog to be used in a dogfight or for baiting;
- (2) arrange or conduct a dogfight;
- (3) possess, own, sell, transport, or train a dog with the intent to use the dog in a dogfight or for baiting; or
- (4) knowingly allow premises under the person's ownership, charge, or control to be used to conduct a dogfight or for baiting.

(c) (1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(2) (I) As a condition of sentencing, the court may order a defendant convicted of violating this section to:

1. participate in and pay for psychological counseling;

AND

2. EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, PAY, IN ADDITION TO ANY OTHER FINES AND COSTS, ALL REASONABLE COSTS, NOT EXCEEDING \$15,000, INCURRED IN REMOVING, HOUSING, TREATING, OR EUTHANIZING A DOG CONFISCATED FROM THE DEFENDANT.

(II) THE COURT MAY NOT ORDER A DEFENDANT CONVICTED OF VIOLATING THIS SECTION TO PAY ANY COSTS INCURRED AFTER SURRENDER OF OWNERSHIP OF A DOG BY THE DEFENDANT UNDER § 10-615(D)(1) OF THIS SUBTITLE OR AFTER A DOG IS CONSIDERED A STRAY UNDER § 10-615(E)(1) OF THIS SUBTITLE.

10-608.

(a) (1) In this section, “implement of cockfighting” means any implement or device intended or designed:

(i) to enhance the fighting ability of a fowl, cock, or other bird; or

(ii) for use in a deliberately conducted event that uses a fowl, cock, or other bird to fight with another fowl, cock, or other bird.

(2) “Implement of cockfighting” includes:

(i) a gaff;

(ii) a slasher;

(iii) a postiza;

(iv) a sparring muff; and

(v) any other sharp implement designed to be attached in place of the natural spur of a gamecock or other fighting bird.

(b) A person may not:

(1) use or allow the use of a fowl, cock, or other bird to fight with another animal;

(2) possess, with the intent to unlawfully use, an implement of cockfighting;

(3) arrange or conduct a fight in which a fowl, cock, or other bird fights with another fowl, cock, or other bird;

(4) possess, own, sell, transport, or train a fowl, cock, or other bird with the intent to use the fowl, cock, or other bird in a cockfight; or

(5) knowingly allow premises under the person's ownership, charge, or control to be used to conduct a fight in which a fowl, cock, or other bird fights with another fowl, cock, or other bird.

(c) (1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(2) (I) As a condition of sentencing, the court may order a defendant convicted of violating this section to:

1. participate in and pay for psychological counseling;

AND

2. EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, PAY, IN ADDITION TO ANY OTHER FINES AND COSTS, ALL REASONABLE COSTS, NOT EXCEEDING \$15,000, INCURRED IN REMOVING, HOUSING, TREATING, OR EUTHANIZING A FOWL, COCK, OR OTHER BIRD CONFISCATED FROM THE DEFENDANT.

(II) THE COURT MAY NOT ORDER A DEFENDANT CONVICTED OF VIOLATING THIS SECTION TO PAY ANY COSTS INCURRED AFTER SURRENDER OF OWNERSHIP OF A FOWL, COCK, OR OTHER BIRD BY THE DEFENDANT UNDER § 10-615(D)(1) OF THIS SUBTITLE OR AFTER A FOWL, COCK, OR OTHER BIRD IS CONSIDERED A STRAY UNDER § 10-615(E)(1) OF THIS SUBTITLE.

10-615.

(a) If an owner or custodian of an animal is convicted of an act of animal cruelty, the court may order the removal of the animal or any other animal at the time of conviction for the protection of the animal.

(Over)

(b) (1) An officer or authorized agent of a humane society, or a police officer or other public official required to protect animals may seize an animal if necessary to protect the animal from cruelty.

(2) (i) An animal that a medical and scientific research facility possesses may be removed under this subsection only after review by and a recommendation from the Department of Health and Mental Hygiene, Center for Veterinary Public Health.

(ii) The Department of Health and Mental Hygiene shall:

1. conduct an investigation within 24 hours after receiving a complaint; and

2. within 24 hours after completing the investigation, report to the State's Attorney for the county in which the facility is situated.

(c) (1) If an animal is impounded, yarded, or confined without necessary food, water, or proper attention, is subject to cruelty, or is neglected, an officer or authorized agent of a humane society, a police officer, another public official required to protect animals, or any invited and accompanying veterinarian licensed in the State, may:

(i) enter the place where the animal is located and supply the animal with necessary food, water, and attention; or

(ii) remove the animal if removal is necessary for the health of the animal.

(2) A person who enters a place under paragraph (1) of this subsection is not liable because of the entry.

(d) (1) A person who removes an animal under subsection (c) of this section shall notify IN WRITING the animal's owner or custodian of:

(i) the removal; [and]

(ii) any administrative remedies that may be available to the owner or custodian; AND

(III) THE RIGHT OF THE OWNER TO SURRENDER OWNERSHIP OF THE ANIMAL TO THE APPROPRIATE AGENCY.

(2) If an administrative remedy is not available, the owner or custodian may file a petition for the return of the animal in the District Court of the county in which the removal occurred within 10 days after the removal.

(e) An animal is considered a stray if:

(1) an owner or custodian of the animal was notified under subsection (d) of this section and failed to file a petition within 10 days after removal; or

(2) the owner or custodian of the animal is unknown and cannot be ascertained by reasonable effort for 20 days to determine the owner or custodian.

(f) This section does not allow:

(1) entry into a private dwelling; or

(2) removal of a farm animal without the prior recommendation of a veterinarian licensed in the State.

(g) In Baltimore County, the Baltimore County Department of Health, Division of Animal Control or an organization that the Baltimore County government approves shall enforce this section.”.