

SB0393/992815/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 393
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 21, strike the second “costs” and substitute “costs, not exceeding a certain amount.”; and in line 23, after “defendant;” insert “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;”.

On page 2, in line 3, strike “10-604.”; in the same line, strike “and 10-608” and substitute “10-608, and 10-615”.

AMENDMENT NO. 2

On page 6, strike in their entirety lines 7 through 27, inclusive.

AMENDMENT NO. 3

On page 7, in line 9, after “(2)” insert “(I)”; in lines 11 and 12, strike “(I)” and “(II)”, respectively, and substitute “1.” and “2.”, respectively; in line 12, before “PAY,” insert “EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH.”; in line 13, strike “COSTS” and substitute “COSTS, NOT EXCEEDING \$15,000.”; and after line 14, insert:

“(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

(Over)

THIS SUBTITLE OR AFTER AN ANIMAL IS CONSIDERED A STRAY UNDER § 10-615(E)(1) OF THIS SUBTITLE.

On page 8, in line 1, after “(2)” insert “(I)”; in lines 3 and 4, strike “(I)” and “(II)”, respectively, and substitute “1.” and “2.”, respectively; in line 4, before “PAY,” insert “EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH,”; in line 5, strike “COSTS” and substitute “COSTS, NOT EXCEEDING \$15,000,”; and after line 6, insert:

“(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.”

On page 9, in line 7, after “(2)” insert “(I)”; in lines 9 and 10, strike “(I)” and “(II)”, respectively, and substitute “1.” and “2.”, respectively; in line 10, before “PAY,” insert “EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH,”; in line 11, strike “COSTS” and substitute “COSTS, NOT EXCEEDING \$15,000,”; and after line 13, insert:

“(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.”

AMENDMENT NO. 4

On page 9, before line 14, insert:

“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.

(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

(Over)

(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.”.