

SENATE BILL 283

E1

6lr1554
CF HB 583

By: **Senators Lee, Gladden, Guzzone, Hershey, Madaleno, Manno, Raskin, Ready, and Young**

Introduced and read first time: January 22, 2016

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2016

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Cruelty to Animals – Implement of Dogfighting**

3 FOR the purpose of prohibiting a person from possessing, with the intent to unlawfully use,
4 a certain implement of dogfighting; ~~establishing certain factors that a court may~~
5 ~~consider to determine whether an object is an implement of dogfighting;~~ establishing
6 penalties for a violation of this Act; authorizing a court to order a certain defendant
7 to participate in and pay for psychological counseling as a condition of sentencing;
8 providing that each implement of dogfighting possessed in violation of this Act is a
9 separate offense; defining a certain term; and generally relating to cruelty to
10 animals.

11 BY adding to

12 Article – Criminal Law

13 Section 10–607.1

14 Annotated Code of Maryland

15 (2012 Replacement Volume and 2015 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

17 That the Laws of Maryland read as follows:

18 **Article – Criminal Law**

19 **10–607.1.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) (1) IN THIS SECTION, "IMPLEMENT OF DOGFIGHTING" MEANS AN
2 IMPLEMENT, AN OBJECT, A DEVICE, OR A DRUG INTENDED OR DESIGNED:

3 (I) TO ENHANCE THE FIGHTING ABILITY OF A DOG; OR

4 (II) FOR USE IN A DELIBERATELY CONDUCTED EVENT THAT
5 USES A DOG TO FIGHT WITH ANOTHER DOG.

6 (2) "IMPLEMENT OF DOGFIGHTING" INCLUDES:

7 (I) A BREAKING STICK DESIGNED FOR INSERTION BEHIND THE
8 MOLARS OF A DOG TO BREAK THE DOG'S GRIP ON ANOTHER ANIMAL OR OBJECT;

9 (II) A CAT MILL THAT ROTATES AROUND A CENTRAL SUPPORT
10 WITH ONE ARM DESIGNED TO SECURE A DOG AND ONE ARM DESIGNED TO SECURE A
11 CAT, RABBIT, OR OTHER SMALL ANIMAL BEYOND THE GRASP OF THE DOG;

12 (III) A SPRINGPOLE THAT HAS A BITING SURFACE ATTACHED TO
13 A STRETCHABLE DEVICE, SUSPENDED AT A HEIGHT SUFFICIENT TO PREVENT AN
14 ANIMAL FROM REACHING THE BITING SURFACE WHILE TOUCHING THE GROUND;

15 (IV) A FIGHTING PIT OR OTHER CONFINED AREA DESIGNED TO
16 CONTAIN A DOGFIGHT;

17 (V) A BREEDING STAND OR RAPE STAND USED TO IMMOBILIZE
18 FEMALE DOGS FOR BREEDING PURPOSES; AND

19 (VI) ANY OTHER INSTRUMENT OR DEVICE THAT IS COMMONLY
20 USED IN THE TRAINING FOR, IN THE PREPARATION FOR, IN THE CONDITIONING FOR,
21 IN THE BREEDING FOR, IN THE CONDUCTING OF, OR OTHERWISE IN FURTHERANCE
22 OF A DOGFIGHT.

23 (B) A PERSON MAY NOT POSSESS, WITH THE INTENT TO UNLAWFULLY USE,
24 AN IMPLEMENT OF DOGFIGHTING.

25 ~~(C) TO DETERMINE WHETHER AN OBJECT IS AN IMPLEMENT OF~~
26 ~~DOGFIGHTING, THE COURT MAY CONSIDER:~~

27 ~~(1) A STATEMENT BY AN OWNER OR A PERSON IN CONTROL OF THE~~
28 ~~OBJECT CONCERNING ITS USE;~~

29 ~~(2) A PRIOR CONVICTION OF AN OWNER OR A PERSON IN CONTROL OF~~
30 ~~THE OBJECT UNDER A LOCAL, STATE, OR FEDERAL LAW RELATING TO ANIMAL~~
31 ~~CRUELTY OR ANIMAL FIGHTING;~~

1 ~~(3) THE PROXIMITY OF THE OBJECT, IN TIME AND SPACE, TO A DIRECT~~
2 ~~VIOLATION OF THIS SUBTITLE OR TO AN ANIMAL;~~

3 ~~(4) DIRECT OR CIRCUMSTANTIAL EVIDENCE OF THE INTENT OF AN~~
4 ~~OWNER OR A PERSON IN CONTROL OF THE OBJECT TO DELIVER IT TO ANOTHER~~
5 ~~PERSON WHO THE OWNER OR THE PERSON IN CONTROL KNOWS OR SHOULD~~
6 ~~REASONABLY KNOW INTENDS TO USE THE OBJECT TO FACILITATE A VIOLATION OF~~
7 ~~THIS SUBTITLE;~~

8 ~~(5) ORAL OR WRITTEN INSTRUCTIONS PROVIDED WITH THE OBJECT~~
9 ~~CONCERNING ITS USE;~~

10 ~~(6) DESCRIPTIVE MATERIALS ACCOMPANYING THE OBJECT THAT~~
11 ~~EXPLAIN OR DEPICT ITS USE;~~

12 ~~(7) THE MANNER IN WHICH THE OBJECT IS DISPLAYED FOR SALE;~~

13 ~~(8) THE EXISTENCE AND SCOPE OF LEGITIMATE USES FOR THE~~
14 ~~OBJECT IN THE COMMUNITY;~~

15 ~~(9) EXPERT TESTIMONY CONCERNING USE OF THE OBJECT; AND~~

16 ~~(10) ANY OTHER VERIFIABLE INFORMATION THAT INDICATES THAT~~
17 ~~THE OBJECT IS INTENDED OR DESIGNED FOR USE IN VIOLATION OF THIS SUBTITLE.~~

18 ~~(D)~~ (C) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
19 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
20 EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

21 (2) AS A CONDITION OF SENTENCING, THE COURT MAY ORDER A
22 DEFENDANT CONVICTED OF VIOLATING THIS SECTION TO PARTICIPATE IN AND PAY
23 FOR PSYCHOLOGICAL COUNSELING.

24 (3) EACH IMPLEMENT OF DOGFIGHTING POSSESSED IN VIOLATION OF
25 THIS SECTION IS A SEPARATE OFFENSE.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2016.