

SENATE BILL 722

E1

6lr3190

By: **Senator Young**

Introduced and read first time: February 5, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes Related to Animals – Penalties – Mandatory Reporting**

3 FOR the purpose of altering the penalties for certain crimes related to animals; authorizing
4 a court, as a condition of probation in certain cases, to prohibit a defendant from
5 owning, possessing, or residing with an animal; requiring as a condition of probation
6 in certain cases, the court to prohibit a defendant from owning, possessing, or
7 residing with an animal; requiring a veterinarian who has reason to believe that an
8 animal that has been treated by the veterinarian has been subjected to abuse or
9 neglect in violation of certain provisions of law to notify the appropriate law
10 enforcement agency in a certain manner; providing that, to the extent reasonably
11 possible, a veterinarian who makes a certain report shall include in the report
12 certain information; providing penalties for a willful violation of a provision of this
13 Act; and generally relating to crimes related to animals.

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Law
16 Section 10–604, 10–605, 10–606, 10–607, 10–608, 10–610, and 10–623
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2015 Supplement)

19 BY adding to
20 Article – Criminal Law
21 Section 10–626
22 Annotated Code of Maryland
23 (2012 Replacement Volume and 2015 Supplement)

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

26 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 10-604.

2 (a) A person may not:

3 (1) overdrive or overload an animal;

4 (2) deprive an animal of necessary sustenance;

5 (3) inflict unnecessary suffering or pain on an animal;

6 (4) cause, procure, or authorize an act prohibited under item (1), (2), or (3)
7 of this subsection; or

8 (5) if the person has charge or custody of an animal, as owner or otherwise,
9 unnecessarily fail to provide the animal with nutritious food in sufficient quantity,
10 necessary veterinary care, proper drink, air, space, shelter, or protection from the weather.

11 (b) (1) A person who violates this section is guilty of a misdemeanor and on
12 conviction is subject to:

13 (I) FOR A FIRST OFFENSE, imprisonment not exceeding 90 days or
14 a fine not exceeding \$1,000 or both;

15 (II) FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING
16 90 DAYS OR A FINE NOT EXCEEDING \$5,000 OR BOTH; AND

17 (III) FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT
18 NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

19 (2) As a condition of sentencing, the court may order a defendant convicted
20 of violating this section to participate in and pay for psychological counseling.

21 (3) (I) As a condition of probation FOR A FIRST OR SECOND OFFENSE,
22 the court may prohibit a defendant from owning, possessing, or residing with an animal.

23 (II) AS A CONDITION OF PROBATION FOR A THIRD OR
24 SUBSEQUENT OFFENSE, THE COURT SHALL PROHIBIT A DEFENDANT FROM OWNING,
25 POSSESSING, OR RESIDING WITH AN ANIMAL.

26 10-605.

27 (a) A person may not knowingly attend a deliberately conducted dogfight as a
28 spectator.

29 (b) A person may not knowingly attend as a spectator a deliberately conducted
30 event that uses a fowl, cock, or other bird to fight with another fowl, cock, or other bird.

1 (c) (1) A person who violates this section is guilty of a misdemeanor and on
2 conviction is subject to:

3 (I) FOR A FIRST OFFENSE, imprisonment not exceeding 1 year or a
4 fine not exceeding \$2,500 or both;

5 (II) FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING
6 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH; AND

7 (III) FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT
8 NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

9 (2) As a condition of sentencing, the court may order a defendant convicted
10 of violating this section to participate in and pay for psychological counseling.

11 (3) (I) AS A CONDITION OF PROBATION FOR A FIRST OR SECOND
12 OFFENSE, THE COURT MAY PROHIBIT A DEFENDANT FROM OWNING, POSSESSING,
13 OR RESIDING WITH AN ANIMAL.

14 (II) AS A CONDITION OF PROBATION FOR A THIRD OR
15 SUBSEQUENT OFFENSE, THE COURT SHALL PROHIBIT A DEFENDANT FROM OWNING,
16 POSSESSING, OR RESIDING WITH AN ANIMAL.

17 10-606.

18 (a) A person may not:

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

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

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

24 (b) (1) A person who violates this section is guilty of the felony of aggravated
25 cruelty to animals and on conviction is subject to:

26 (I) FOR A FIRST OFFENSE imprisonment not exceeding 3 years or
27 a fine not exceeding \$5,000 or both;

28 (II) FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING
29 3 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH; AND

1 **(III) FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT**
2 **NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$15,000 OR BOTH.**

3 (2) As a condition of sentencing, the court may order a defendant convicted
4 of violating this section to participate in and pay for psychological counseling.

5 (3) **(I)** As a condition of probation **FOR A FIRST OR SECOND OFFENSE,**
6 the court may prohibit a defendant from owning, possessing, or residing with an animal.

7 **(II) AS A CONDITION OF PROBATION FOR A THIRD OR**
8 **SUBSEQUENT OFFENSE, THE COURT SHALL PROHIBIT A DEFENDANT FROM OWNING,**
9 **POSSESSING, OR RESIDING WITH AN ANIMAL.**

10 10-607.

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

13 (b) A person may not:

14 (1) use or allow a dog to be used in a dogfight or for baiting;

15 (2) arrange or conduct a dogfight;

16 (3) possess, own, sell, transport, or train a dog with the intent to use the
17 dog in a dogfight or for baiting; or

18 (4) knowingly allow premises under the person's ownership, charge, or
19 control to be used to conduct a dogfight or for baiting.

20 (c) (1) A person who violates this section is guilty of the felony of aggravated
21 cruelty to animals and on conviction is subject to:

22 **(I) FOR A FIRST OFFENSE,** imprisonment not exceeding 3 years or
23 a fine not exceeding \$5,000 or both;

24 **(II) FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING**
25 **3 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH; AND**

26 **(III) FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT**
27 **NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$15,000 OR BOTH.**

28 (2) As a condition of sentencing, the court may order a defendant convicted
29 of violating this section to participate in and pay for psychological counseling.

1 **(3) (I) AS A CONDITION OF PROBATION FOR A FIRST OR SECOND**
2 **OFFENSE, THE COURT MAY PROHIBIT A DEFENDANT FROM OWNING, POSSESSING,**
3 **OR RESIDING WITH AN ANIMAL.**

4 **(II) AS A CONDITION OF PROBATION FOR A THIRD OR**
5 **SUBSEQUENT OFFENSE, THE COURT SHALL PROHIBIT A DEFENDANT FROM OWNING,**
6 **POSSESSING, OR RESIDING WITH AN ANIMAL.**

7 10-608.

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

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

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

13 (2) “Implement of cockfighting” includes:

14 (i) a gaff;

15 (ii) a slasher;

16 (iii) a postiza;

17 (iv) a sparring muff; and

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

20 (b) A person may not:

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

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

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

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

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

4 (c) (1) A person who violates this section is guilty of the felony of aggravated
5 cruelty to animals and on conviction is subject to:

6 **(I) FOR A FIRST OFFENSE, imprisonment not exceeding 3 years or**
7 a fine not exceeding \$5,000 or both;

8 **(II) FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING**
9 **3 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH; AND**

10 **(III) FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT**
11 **NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$15,000 OR BOTH.**

12 (2) As a condition of sentencing, the court may order a defendant convicted
13 of violating this section to participate in and pay for psychological counseling.

14 **(3) (I) AS A CONDITION OF PROBATION FOR A FIRST OR SECOND**
15 **OFFENSE, THE COURT MAY PROHIBIT A DEFENDANT FROM OWNING, POSSESSING,**
16 **OR RESIDING WITH AN ANIMAL.**

17 **(II) AS A CONDITION OF PROBATION FOR A THIRD OR**
18 **SUBSEQUENT OFFENSE, THE COURT SHALL PROHIBIT A DEFENDANT FROM OWNING,**
19 **POSSESSING, OR RESIDING WITH AN ANIMAL.**

20 10-610.

21 (a) This section does not apply to a person giving away an animal:

22 (1) as an agricultural project;

23 (2) for conservation purposes; or

24 (3) that is intended for slaughter.

25 (b) Without the approval of the Secretary of Agriculture, a person may not give
26 away a live animal as:

27 (1) a prize for, or inducement to enter, a contest, game, or other
28 competition;

29 (2) an inducement to enter a place of amusement; or

1 (3) an incentive to make a business agreement if the offer is to attract
2 trade.

3 (c) A person who violates this section is guilty of a misdemeanor and on conviction
4 is subject to:

5 (1) **FOR A FIRST OFFENSE, a fine not exceeding [\$500] \$1,000; AND**

6 (2) **FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING**
7 **\$3,000.**

8 10-623.

9 (a) (1) In this section the following words have the meanings indicated.

10 (2) "Collar" means a device constructed of nylon, leather, or similar
11 material specifically designed to be used around the neck of a dog.

12 (3) "Restraint" means a chain, rope, tether, leash, cable, or other device
13 that attaches a dog to a stationary object or trolley system.

14 (b) A person may not leave a dog outside and unattended by use of a restraint:

15 (1) that unreasonably limits the movement of the dog;

16 (2) that uses a collar that:

17 (i) is made primarily of metal; or

18 (ii) is not at least as large as the circumference of the dog's neck plus
19 1 inch;

20 (3) that restricts the access of the dog to suitable and sufficient clean water
21 or appropriate shelter;

22 (4) in unsafe or unsanitary conditions; or

23 (5) that causes injury to the dog.

24 (c) (1) A person who violates this section is guilty of a misdemeanor and on
25 conviction is subject to:

26 (I) **FOR A FIRST OFFENSE, imprisonment not exceeding 90 days or**
27 **a fine not exceeding \$1,000 or both;**

1 (II) FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING
2 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH; AND

3 (III) FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT
4 NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

5 (2) (I) AS A CONDITION OF PROBATION FOR A FIRST OR SECOND
6 OFFENSE, THE COURT MAY PROHIBIT A DEFENDANT FROM OWNING, POSSESSING,
7 OR RESIDING WITH AN ANIMAL.

8 (II) AS A CONDITION OF PROBATION FOR A THIRD OR
9 SUBSEQUENT OFFENSE, THE COURT SHALL PROHIBIT A DEFENDANT FROM OWNING,
10 POSSESSING, OR RESIDING WITH AN ANIMAL.

11 10-626.

12 (A) A VETERINARIAN WHO HAS REASON TO BELIEVE THAT AN ANIMAL THAT
13 HAS BEEN TREATED BY THE VETERINARIAN HAS BEEN SUBJECTED TO ABUSE OR
14 NEGLECT IN VIOLATION OF THIS SUBTITLE SHALL ORALLY OR IN WRITING NOTIFY
15 THE APPROPRIATE LAW ENFORCEMENT AGENCY AS SOON AS POSSIBLE.

16 (B) TO THE EXTENT REASONABLY POSSIBLE, A VETERINARIAN WHO MAKES
17 A REPORT UNDER THIS SECTION SHALL INCLUDE IN THE REPORT:

18 (1) A DESCRIPTION OF THE ANIMAL;

19 (2) THE NAME AND HOME ADDRESS OF THE ANIMAL'S OWNER;

20 (3) THE LOCATION OF THE ANIMAL;

21 (4) THE NATURE AND EXTENT OF THE SUSPECTED ABUSE OR
22 NEGLECT OF THE ANIMAL, INCLUDING ANY EVIDENCE OR INFORMATION AVAILABLE
23 TO THE VETERINARIAN CONCERNING POSSIBLE PREVIOUS INSTANCES OF
24 SUSPECTED ABUSE OR NEGLECT; AND

25 (5) ANY OTHER INFORMATION THAT WOULD HELP TO DETERMINE:

26 (I) THE CAUSE OF THE SUSPECTED ABUSE OR NEGLECT; AND

27 (II) THE IDENTITY OF ANY INDIVIDUAL RESPONSIBLE FOR THE
28 SUSPECTED ABUSE OR NEGLECT.

1 **(C) A VETERINARIAN WHO WILLFULLY VIOLATES THIS SECTION IS GUILTY**
2 **OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING**
3 **\$1,000.**

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