

Department of Legislative Services  
Maryland General Assembly  
2017 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1361  
Judiciary

(Delegate Glass, *et al.*)

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Criminal Law - Animal Cruelty - Hunting Exemptions

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This bill clarifies that bow hunting in a humane manner is exempt from the animal cruelty prohibitions in State law. The provision that requires hunting, other than bow hunting, to be conducted using the *most humane* method reasonably available, is not altered by the bill.

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Fiscal Summary

**State Effect:** None. The bill clarifies current law.

**Local Effect:** None. The bill clarifies current law.

**Small Business Effect:** None.

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Analysis

**Current Law:** Hunting is generally exempt from criminal law provisions that prohibit cruelty to animals so long as the person is using the most humane method reasonably available. The Criminal Law Article specifies the intent of the General Assembly to be that each animal in the State be protected from intentional cruelty, including animals that are (1) privately owned; (2) strays; (3) domesticated; (4) feral; (5) farm animals; (6) corporately or institutionally owned; or (7) used in privately, locally, State, or federally funded scientific or medical activities.

Generally, State law prohibits the intentional abuse or neglect of an animal and specifically prohibits dogfighting, cockfighting, animal cruelty, and possession of the implements of dogfighting under specified circumstances. These offenses do not include customary and normal veterinary and agricultural husbandry practices, including (1) dehorning, castration,

tail docking, and limit feeding; (2) research conducted in accordance with the federal Animal Welfare Act or the federal Health Research Extension Act; (3) activities that may cause unavoidable physical pain to an animal, including food processing, pest elimination, animal training, and hunting, if the person performing the activity uses the most humane method reasonably available; or (4) normal human activities in which the infliction of pain to an animal is purely incidental and unavoidable.

**Background:** The Wildlife and Heritage Service within the Department of Natural Resources (DNR), in cooperation with the Natural Resources Police, is responsible for administering and enforcing the State's hunting programs, laws, and regulations. DNR establishes the open season to hunt forest and upland game birds and mammals by regulation each year. DNR may adopt regulations to enlarge, extend, restrict, or prohibit hunting wildlife.

The Division of Parole and Probation within the Department of Public Safety and Correctional Services advises that it conducted 55 intakes in fiscal 2016 for individuals sentenced to probation for animal cruelty. The division cannot determine if any of those convictions pertained to hunting or bow hunting specifically.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City; Caroline, Montgomery, and Prince George's counties; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - February 22, 2017  
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