

Chapter 238

(Senate Bill 1038)

AN ACT concerning

**Criminal Law – Animal Cruelty – Sentencing Conditions ~~and Selling Ban~~**

FOR the purpose of authorizing a court as a condition of sentencing to prohibit a defendant convicted of certain crimes relating to cruelty against animals from owning, possessing, or residing with an animal for a specified period of time, ~~including the life of the defendant; prohibiting a person convicted of certain crimes relating to cruelty against animals from selling, offering for sale, or trading an animal, with a certain exception;~~ and generally relating to animal cruelty.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 10–606, 10–607, 10–607.1, and 10–608  
Annotated Code of Maryland  
(2012 Replacement Volume and 2017 Supplement)

~~BY adding to  
Article – Criminal Law  
Section 10–608.1  
Annotated Code of Maryland  
(2012 Replacement Volume and 2017 Supplement)~~

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

**Article – Criminal Law**

10–606.

- (a) A person may not:
  - (1) intentionally:
    - (i) mutilate;
    - (ii) torture;
    - (iii) cruelly beat; or
    - (iv) cruelly kill an animal;

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

(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) As a condition of sentencing, the court may:

**(I)** order a defendant convicted of violating this section to participate in and pay for psychological counseling; **AND**

~~(3) **(II)** As a condition of [probation] SENTENCING, the court may prohibit a defendant from owning, possessing, or residing with an animal FOR A SPECIFIED PERIOD OF TIME, INCLUDING THE LIFE OF THE DEFENDANT.~~

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) As a condition of sentencing, the court may:

**(I)** order a defendant convicted of violating this section to participate in and pay for psychological counseling; **AND**

~~(3) (II) AS A CONDITION OF SENTENCING, THE COURT MAY PROHIBIT A DEFENDANT FROM OWNING, POSSESSING, OR RESIDING WITH AN ANIMAL FOR A SPECIFIED PERIOD OF TIME, INCLUDING THE LIFE OF THE DEFENDANT.~~

10-607.1.

(a) (1) In this section, “implement of dogfighting” means an implement, an object, a device, or a drug intended or designed:

(i) to enhance the fighting ability of a dog; or

(ii) for use in a deliberately conducted event that uses a dog to fight with another dog.

(2) “Implement of dogfighting” includes:

(i) a breaking stick designed for insertion behind the molars of a dog to break the dog’s grip on another animal or object;

(ii) a cat mill that rotates around a central support with one arm designed to secure a dog and one arm designed to secure a cat, rabbit, or other small animal beyond the grasp of the dog;

(iii) a springpole that has a biting surface attached to a stretchable device, suspended at a height sufficient to prevent an animal from reaching the biting surface while touching the ground;

(iv) a fighting pit or other confined area designed to contain a dogfight;

(v) a breeding stand or rape stand used to immobilize female dogs for breeding purposes; and

(vi) any other instrument or device that is commonly used in the training for, in the preparation for, in the conditioning for, in the breeding for, in the conducting of, or otherwise in furtherance of a dogfight.

(b) A person may not possess, with the intent to unlawfully use, an implement of dogfighting.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$5,000 or both.

(2) As a condition of sentencing, the court may:

(I) order a defendant convicted of violating this section to participate in and pay for psychological counseling; AND

~~(3) (II) AS A CONDITION OF SENTENCING, THE COURT MAY PROHIBIT A DEFENDANT FROM OWNING, POSSESSING, OR RESIDING WITH AN ANIMAL FOR A SPECIFIED PERIOD OF TIME, INCLUDING THE LIFE OF THE DEFENDANT.~~

~~(3)~~ (4) Each implement of dogfighting possessed in violation of this section is a separate offense.

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) As a condition of sentencing, the court may:

(I) order a defendant convicted of violating this section to participate in and pay for psychological counseling; AND

~~(3) (II) AS A CONDITION OF SENTENCING, THE COURT MAY PROHIBIT A DEFENDANT FROM OWNING, POSSESSING, OR RESIDING WITH AN ANIMAL FOR A SPECIFIED PERIOD OF TIME, INCLUDING THE LIFE OF THE DEFENDANT.~~

~~10-608.1.~~

~~(A) EXCEPT TO DISPOSE OF AN ANIMAL IN ACCORDANCE WITH A COURT ORDER, A PERSON MAY NOT SELL, OFFER FOR SALE, OR TRADE AN ANIMAL IF THE PERSON HAS PREVIOUSLY BEEN CONVICTED OF VIOLATING § 10-606, § 10-607, § 10-607.1, OR § 10-608 OF THIS SUBTITLE.~~

~~(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,500 OR BOTH.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.