

HOUSE BILL 40

E2

8lr0360

(PRE-FILED)

By: **Delegate Frush**

Requested: June 6, 2017

Introduced and read first time: January 10, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law and Procedure – Animal Abuse Registry**

3 FOR the purpose of requiring the Department of Public Safety and Correctional Services
4 to establish the Maryland Animal Abuse Registry; requiring the Registry to be
5 updated in a certain manner and to include certain information; requiring a certain
6 person convicted of certain crimes involving animals to register with a certain county
7 sheriff; exempting a person from registration under certain circumstances; requiring
8 a person who is required to register under this Act to register within a certain period
9 of time; requiring a registrant to provide certain information for registration;
10 requiring the county sheriff to obtain a certain digital image from a person
11 registering under this Act; requiring a registrant to update certain information in a
12 certain manner; establishing that a certain registration shall stay in effect for a
13 certain period of time; requiring the county sheriff to forward certain registration
14 information to the Department; requiring a registrant to pay an annual registration
15 fee; requiring a county sheriff to remit certain fees in a certain manner; establishing
16 the Animal Abuse Registry Fund; providing for the distribution of money in the
17 Fund; requiring Registry information to be made public in a certain manner;
18 establishing a procedure by which a person may obtain an order exempting the
19 person from a certain registration requirement; prohibiting a person who is subject
20 to registration under this Act from knowingly failing to register or provide accurate
21 information when registering; prohibiting a person who is subject to registration
22 under this Act from owning an animal; requiring a certain pet store or animal
23 breeder in this State to determine whether the name and address of a person seeking
24 to purchase or adopt an animal appears on the Registry; prohibiting a certain pet
25 store or animal breeder from knowingly offering, selling, delivering, giving, or
26 providing an animal to a person registered on the Registry; establishing penalties
27 for a violation of this Act; defining certain terms; and generally relating to the
28 establishment of an animal abuse registry.

29 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Criminal Procedure

2 Section 11–1101 through 11–1111 to be under the new subtitle “Subtitle 11.
3 Maryland Animal Abuse Registry”

4 Annotated Code of Maryland

5 (2008 Replacement Volume and 2017 Supplement)

6 Preamble

7 WHEREAS, There is significant data demonstrating the link between violent crime
8 committed against people and the abuse of animals; and

9 WHEREAS, The General Assembly of Maryland finds that the people of the State
10 have a significant interest in identifying animal abusers; now, therefore,

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

13 **Article – Criminal Procedure**

14 **SUBTITLE 11. MARYLAND ANIMAL ABUSE REGISTRY.**

15 **11–1101.**

16 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
17 **INDICATED.**

18 **(B) “ANIMAL ABUSE CRIME” MEANS:**

19 **(1) A VIOLATION OF § 3–321 OR § 3–322 OF THE CRIMINAL LAW**
20 **ARTICLE INVOLVING AN ANIMAL, OR A VIOLATION OF § 10–604, § 10–605, § 10–606,**
21 **§ 10–607, § 10–608, § 10–612, OR § 10–618 OF THE CRIMINAL LAW ARTICLE;**

22 **(2) AN ATTEMPT TO COMMIT AN OFFENSE LISTED IN ITEM (1) OF THIS**
23 **SUBSECTION; OR**

24 **(3) A CRIME COMMITTED IN A FEDERAL, STATE, OR FOREIGN**
25 **JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OF**
26 **THE CRIMES LISTED IN ITEM (1) OR (2) OF THIS SUBSECTION.**

27 **(C) “ANIMAL BREEDER” MEANS AN ENTITY ENGAGED IN THE PRACTICE OF**
28 **FACILITATING THE REPRODUCTION OF ANIMALS FOR THE PURPOSE OF SELLING**
29 **THE RESULTING OFFSPRING TO ONE OR MORE OTHER INDIVIDUALS OR ENTITIES.**

30 **(D) “ANIMAL SHELTER” MEANS A PUBLIC ANIMAL CONTROL FACILITY OR**
31 **ANY OTHER FACILITY THAT IS OPERATED BY AN ORGANIZATION OR INDIVIDUAL FOR**

1 THE PURPOSE OF PROTECTING ANIMALS FROM CRUELTY, NEGLECT, OR ABUSE.

2 (E) "FUND" MEANS THE ANIMAL ABUSE REGISTRY FUND ESTABLISHED
3 UNDER THIS SUBTITLE.

4 (F) "PET STORE" MEANS A PLACE OR PREMISES WHERE BIRDS, MAMMALS,
5 OR REPTILES ARE KEPT FOR THE PURPOSE OF:

6 (1) SALE, AT EITHER WHOLESALE OR RETAIL;

7 (2) IMPORT;

8 (3) EXPORT;

9 (4) BARTER;

10 (5) EXCHANGE; OR

11 (6) GIFT.

12 (G) "REGISTRANT" MEANS A PERSON REQUIRED TO REGISTER UNDER §
13 11-1104 OF THIS SUBTITLE.

14 (H) "REGISTRY" MEANS THE MARYLAND ANIMAL ABUSE REGISTRY,
15 ESTABLISHED UNDER § 11-1103 OF THIS SUBTITLE.

16 (I) "RELEASE" HAS THE MEANING STATED IN § 11-701 OF THIS TITLE.

17 (J) "SUPERVISING AUTHORITY" MEANS AN AGENCY OR A PERSON THAT IS
18 RESPONSIBLE FOR COLLECTING THE INFORMATION FOR THE INITIAL
19 REGISTRATION OF A REGISTRANT AND IS:

20 (1) THE SECRETARY, IF THE REGISTRANT IS IN THE CUSTODY OF A
21 CORRECTIONAL FACILITY OPERATED BY THE DEPARTMENT;

22 (2) THE ADMINISTRATOR OF A LOCAL CORRECTIONAL FACILITY, IF
23 THE REGISTRANT, INCLUDING A PARTICIPANT IN A HOME DETENTION PROGRAM, IS
24 IN THE CUSTODY OF THE LOCAL CORRECTIONAL FACILITY;

25 (3) THE COURT THAT GRANTED THE PROBATION OR SUSPENDED
26 SENTENCE, EXCEPT AS PROVIDED IN ITEM (9) OF THIS SUBSECTION, IF THE
27 REGISTRANT IS GRANTED PROBATION BEFORE JUDGMENT, PROBATION AFTER
28 JUDGMENT, OR A SUSPENDED SENTENCE;

1 (4) THE DIRECTOR OF THE PATUXENT INSTITUTION, IF THE
2 REGISTRANT IS IN THE CUSTODY OF THE PATUXENT INSTITUTION;

3 (5) THE SECRETARY OF HEALTH, IF THE REGISTRANT IS IN THE
4 CUSTODY OF A FACILITY OPERATED BY THE MARYLAND DEPARTMENT OF HEALTH;

5 (6) THE COURT IN WHICH THE REGISTRANT WAS CONVICTED, IF THE
6 REGISTRANT'S SENTENCE DOES NOT INCLUDE A TERM OF IMPRISONMENT OR IF THE
7 SENTENCE IS MODIFIED TO TIME SERVED;

8 (7) THE SECRETARY, IF THE REGISTRANT IS IN THE STATE UNDER
9 TERMS AND CONDITIONS OF THE INTERSTATE COMPACT FOR ADULT OFFENDER
10 SUPERVISION, SET FORTH IN TITLE 6, SUBTITLE 2 OF THE CORRECTIONAL
11 SERVICES ARTICLE, OR THE INTERSTATE CORRECTIONS COMPACT, SET FORTH IN
12 TITLE 8, SUBTITLE 6 OF THE CORRECTIONAL SERVICES ARTICLE;

13 (8) THE LOCAL LAW ENFORCEMENT UNIT WHERE THE REGISTRANT IS
14 A RESIDENT, IS A TRANSIENT, OR HABITUALLY LIVES ON MOVING FROM ANOTHER
15 JURISDICTION OR FOREIGN COUNTRY THAT REQUIRES REGISTRATION, IF THE
16 REGISTRANT IS NOT UNDER SUPERVISION, CUSTODY, OR CONTROL OF ANOTHER
17 SUPERVISING AUTHORITY;

18 (9) THE DIRECTOR OF PAROLE AND PROBATION, IF THE REGISTRANT
19 IS UNDER THE SUPERVISION OF THE DIVISION OF PAROLE AND PROBATION; OR

20 (10) THE SECRETARY OF JUVENILE SERVICES, IF THE REGISTRANT
21 WAS A MINOR AT THE TIME THE ACT WAS COMMITTED FOR WHICH REGISTRATION IS
22 REQUIRED.

23 11-1102.

24 FOR THE PURPOSES OF THIS SUBTITLE, A PERSON IS CONVICTED WHEN THE
25 PERSON:

26 (1) IS FOUND GUILTY OF A CRIME BY A JURY OR JUDICIAL OFFICER;
27 OR

28 (2) ENTERS A PLEA OF GUILTY OR NOLO CONTENDERE.

29 11-1103.

30 (A) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A CENTRAL

1 COMPUTERIZED REGISTRY OF ALL PERSONS CONVICTED OF AN ANIMAL ABUSE
2 CRIME THAT ARE REQUIRED TO REGISTER IN ACCORDANCE WITH § 11-1104 OF THIS
3 SUBTITLE, TO BE KNOWN AS THE MARYLAND ANIMAL ABUSE REGISTRY.

4 (B) THE REGISTRY SHALL BE UPDATED BASED ON INFORMATION MADE
5 AVAILABLE TO THE DEPARTMENT, INCLUDING INFORMATION ACQUIRED IN
6 ACCORDANCE WITH THE REGISTRATION PROVISIONS OF § 11-1104 OF THIS
7 SUBTITLE.

8 (C) FOR EACH REGISTRANT, THE REGISTRY SHALL INCLUDE:

9 (1) THE REGISTRANT'S NAME;

10 (2) THE REGISTRANT'S RESIDENTIAL ADDRESS;

11 (3) THE DATE AND A DESCRIPTION OF THE CRIME FOR WHICH
12 REGISTRATION IS REQUIRED; AND

13 (4) A DIGITAL IMAGE OF THE REGISTRANT'S HEAD AND SHOULDERS
14 TAKEN IN FULL-FACE VIEW.

15 11-1104.

16 (A) IN THIS SECTION, "RESIDENT" MEANS A PERSON WHO LIVES IN THIS
17 STATE WHEN THE PERSON:

18 (1) IS RELEASED;

19 (2) IS GRANTED PROBATION;

20 (3) IS GRANTED A SUSPENDED SENTENCE; OR

21 (4) RECEIVES A SENTENCE THAT DOES NOT INCLUDE A TERM OF
22 IMPRISONMENT.

23 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON
24 CONVICTED OF AN ANIMAL ABUSE CRIME SHALL REGISTER WITH THE COUNTY
25 SHERIFF FOR THE COUNTY IN WHICH THE PERSON RESIDES:

26 (1) IF THE PERSON IS A RESIDENT, ON OR BEFORE THE DATE THAT
27 THE PERSON:

28 (I) IS RELEASED;

1 (II) IS GRANTED PROBATION;

2 (III) IS GRANTED A SUSPENDED SENTENCE; OR

3 (IV) RECEIVES A SENTENCE THAT DOES NOT INCLUDE A TERM OF
4 IMPRISONMENT; OR

5 (2) IF THE PERSON MOVES INTO THE STATE, WITHIN 7 DAYS AFTER
6 THE EARLIER OF THE DATE THAT THE PERSON:

7 (I) ESTABLISHES A TEMPORARY OR PERMANENT RESIDENCE IN
8 THE STATE; OR

9 (II) APPLIES FOR A DRIVER'S LICENSE IN THE STATE.

10 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON IS NO
11 LONGER SUBJECT TO REGISTRATION UNDER THIS SUBTITLE IF:

12 (1) THE UNDERLYING CONVICTION REQUIRING REGISTRATION IS
13 REVERSED, VACATED, OR SET ASIDE;

14 (2) THE REGISTRANT IS PARDONED FOR THE UNDERLYING
15 CONVICTION; OR

16 (3) SUBJECT TO § 11-1109 OF THIS SUBTITLE, THE CIRCUIT COURT IN
17 THE COUNTY IN WHICH THE PERSON RESIDES ENTERS AN ORDER EXEMPTING THE
18 PERSON FROM THE REGISTRATION REQUIREMENTS OF THIS SUBTITLE.

19 11-1105.

20 (A) A REGISTRANT SHALL PROVIDE THE COUNTY SHERIFF WITH THE
21 FOLLOWING INFORMATION:

22 (1) THE REGISTRANT'S LEGAL NAME;

23 (2) THE REGISTRANT'S CURRENT ADDRESS OR LOCATION;

24 (3) THE CRIME OF WHICH THE REGISTRANT WAS CONVICTED; AND

25 (4) THE DATE AND LOCATION OF THE CRIME.

26 (B) THE COUNTY SHERIFF SHALL OBTAIN A DIGITAL IMAGE OF THE

1 REGISTRANT'S HEAD AND SHOULDERS TAKEN IN FULL-FACE VIEW.

2 (C) A REGISTRANT SHALL UPDATE THE REGISTRANT'S REGISTRATION
3 INFORMATION:

4 (1) ANNUALLY; AND

5 (2) TO REFLECT ANY CHANGE IN ADDRESS WITHIN 10 DAYS OF THE
6 CHANGE.

7 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
8 REGISTRATION UNDER THIS SUBTITLE SHALL REMAIN IN EFFECT FOR A PERIOD OF
9 15 YEARS FOLLOWING EITHER THE DATE OF CONVICTION OR DATE OF RELEASE
10 FROM INCARCERATION, WHICHEVER IS LATER.

11 (2) THE PERIOD DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION
12 SHALL BE EXTENDED AN ADDITIONAL 20 YEARS FOR EACH CONVICTION FOR AN
13 ANIMAL ABUSE CRIME THAT OCCURS AFTER THE INITIAL REGISTRATION.

14 (E) THE COUNTY SHERIFF SHALL FORWARD ALL REGISTRATION
15 INFORMATION TO THE DEPARTMENT.

16 11-1106.

17 (A) IN ADDITION TO ANY FINE, FEE, OR PENALTY LEVIED OR IMPOSED AS
18 PROVIDED BY LAW, EACH REGISTRANT SHALL PAY AN ANNUAL REGISTRATION FEE
19 OF \$50.

20 (B) THE COUNTY SHERIFF SHALL REMIT THE ANNUAL REGISTRATION FEES
21 COLLECTED UNDER SUBSECTION (A) OF THIS SECTION TO THE STATE TREASURER
22 FOR DEPOSIT INTO THE ANIMAL ABUSE REGISTRY FUND.

23 11-1107.

24 (A) (1) THERE IS AN ANIMAL ABUSE REGISTRY FUND.

25 (2) THE FUND CONSISTS OF:

26 (I) MONEY DISTRIBUTED TO THE FUND FROM ANNUAL
27 REGISTRATION FEES COLLECTED UNDER § 11-1106 OF THIS SUBTITLE; AND

28 (II) MONEY MADE AVAILABLE TO THE FUND FROM ANY OTHER
29 SOURCE.

1 **(3) THE FUND IS A SPECIAL, CONTINUING, NONLAPSING FUND THAT**
2 **IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

3 **(4) THE STATE TREASURER SHALL SEPARATELY HOLD AND THE**
4 **COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

5 **(5) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME**
6 **MANNER AS OTHER STATE FUNDS.**

7 **(6) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE**
8 **AUDITS AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.**

9 **(B) (1) THE FUND MAY BE USED ONLY FOR FUNDING THE**
10 **ADMINISTRATION OF THIS SUBTITLE BY COUNTY SHERIFFS AND THE DEPARTMENT.**

11 **(2) UP TO 65% OF THE MONEY IN THE FUND SHALL BE PAYABLE TO**
12 **THE COUNTIES TO FUND THE COLLECTION OF THE INFORMATION BY THE COUNTY**
13 **SHERIFFS IN ACCORDANCE WITH § 11-1105 OF THIS SUBTITLE.**

14 **(3) UP TO 35% OF THE MONEY IN THE FUND SHALL BE PAYABLE TO**
15 **THE DEPARTMENT TO FUND THE ESTABLISHMENT AND ADMINISTRATION OF THE**
16 **MARYLAND ANIMAL ABUSE REGISTRY IN ACCORDANCE WITH § 11-1103 OF THIS**
17 **SUBTITLE.**

18 **(C) THIS SECTION DOES NOT PROHIBIT THE FUND FROM RECEIVING MONEY**
19 **FROM ANY OTHER SOURCE.**

20 **11-1108.**

21 **INFORMATION CONTAINED IN THE MARYLAND ANIMAL ABUSE REGISTRY**
22 **SHALL BE MADE AVAILABLE TO THE PUBLIC THROUGH THE INTERNET, BY**
23 **TELEPHONE, BY WRITTEN ACCESS, AND IN PERSON.**

24 **11-1109.**

25 **(A) A PERSON CONVICTED OF AN ANIMAL ABUSE CRIME WHO WOULD**
26 **OTHERWISE BE REQUIRED TO REGISTER UNDER § 11-1104 OF THIS SUBTITLE MAY**
27 **PETITION THE CIRCUIT COURT IN THE COUNTY IN WHICH THE PERSON RESIDES FOR**
28 **AN ORDER EXEMPTING THE PERSON FROM THE REGISTRATION REQUIREMENTS OF**
29 **THIS SUBTITLE.**

30 **(B) (1) (I) THE CIRCUIT COURT MAY ENTER AN ORDER EXEMPTING A**

1 PERSON FROM THE REGISTRATION REQUIREMENTS OF THIS SUBTITLE IF THE
2 COURT FINDS THAT:

3 1. THE CIRCUMSTANCES OF THE ANIMAL ABUSE CRIME,
4 IN CONJUNCTION WITH THE PERSON'S CRIMINAL HISTORY, DO NOT INDICATE A RISK
5 THAT THE PERSON WILL COMMIT ANOTHER ANIMAL ABUSE CRIME;

6 2. THE PERSON IS NOT A DANGER TO ANIMALS; AND

7 3. THE PERSON IS NOT A DANGER TO THE PUBLIC.

8 (II) THE CIRCUIT COURT SHALL SPECIFY IN WRITING THE
9 REASONS FOR ITS FINDINGS.

10 (2) ON MAKING THE FINDINGS DESCRIBED IN PARAGRAPH (1) OF
11 THIS SUBSECTION, THE CIRCUIT COURT SHALL ENTER AN ORDER EXEMPTING THE
12 PERSON FROM THE REGISTRATION REQUIREMENTS OF THIS SUBTITLE AND
13 ORDERING THE DEPARTMENT TO REMOVE THE PERSON'S REGISTRATION
14 INFORMATION FROM THE REGISTRY.

15 11-1110.

16 (A) A PERSON WHO IS SUBJECT TO REGISTRATION UNDER § 11-1104 OF
17 THIS SUBTITLE MAY NOT KNOWINGLY:

18 (1) FAIL TO REGISTER WITH THE COUNTY SHERIFF;

19 (2) FAIL TO PROVIDE ACCURATE INFORMATION WHEN REGISTERING
20 UNDER § 11-1104 OF THIS SUBTITLE; OR

21 (3) POSSESS AN ANIMAL WHILE SUBJECT TO THE REGISTRATION
22 REQUIREMENTS OF THIS SUBTITLE.

23 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
24 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$2,000.

25 11-1111.

26 (A) THIS SECTION DOES NOT APPLY TO AN ANIMAL SHELTER.

27 (B) A PET STORE OR AN ANIMAL BREEDER IN THIS STATE SHALL
28 DETERMINE WHETHER THE NAME AND ADDRESS OF A PERSON SEEKING TO
29 PURCHASE OR ADOPT AN ANIMAL APPEARS ON THE REGISTRY.

1 **(C) A PET STORE OR AN ANIMAL BREEDER MAY NOT KNOWINGLY OFFER,**
2 **SELL, DELIVER, GIVE, OR PROVIDE AN ANIMAL TO A PERSON REGISTERED ON THE**
3 **REGISTRY.**

4 **(D) A PET STORE OR AN ANIMAL BREEDER THAT VIOLATES THIS SECTION IS**
5 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
6 **EXCEEDING \$5,000.**

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