

# HOUSE BILL 565

E1, E2

8lr1656

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By: **Delegates Moon, Malone, Anderson, Atterbeary, Dumais, McComas, Sanchez, Sydnor, and Valentino-Smith**

Introduced and read first time: January 29, 2018

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Cruelty to Animals – Seizure and Removal**

3 FOR the purpose of requiring a court to order the removal of a certain animal on the  
4 conviction of a certain owner or custodian of the animal of an act of cruelty to the  
5 animal; establishing that the ownership of a certain animal is transferred to a  
6 certain impounding agency under certain circumstances; authorizing a certain  
7 agency to remove an animal that has been seized under certain circumstances;  
8 requiring a certain agency to post a certain notice to an animal’s owner or a custodian  
9 under certain circumstances; clarifying the date by which an owner or a custodian  
10 may file a certain petition; providing that a certain animal is considered abandoned  
11 and ownership of that animal is transferred to a certain agency under certain  
12 circumstances; defining a certain term; making certain conforming changes; and  
13 generally relating to animal cruelty.

14 BY repealing and reenacting, with amendments,  
15 Article – Criminal Law  
16 Section 10–615  
17 Annotated Code of Maryland  
18 (2012 Replacement Volume and 2017 Supplement)

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

21 **Article – Criminal Law**

22 10–615.

23 (a) **IN THIS SECTION, “IMPOUNDING AGENCY” MEANS A HUMANE SOCIETY,  
24 A LAW ENFORCEMENT AGENCY, OR ANY OTHER PUBLIC AGENCY THAT HAS THE**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **PROTECTION OF ANIMALS AS A FUNCTION OF THE AGENCY.**

2 **(B) (1)** If an owner or custodian of an animal is convicted of an act of animal  
3 cruelty, **AT THE TIME OF CONVICTION** the court [may]:

4 **(I)** **SHALL** order the removal of the **MISTREATED** animal [or any  
5 other animal at the time of conviction] for the protection of the animal; **AND**

6 **(II)** **MAY ORDER THE REMOVAL OF ANY OTHER ANIMAL FOR THE**  
7 **PROTECTION OF THE ANIMAL.**

8 **(2) OWNERSHIP OF AN ANIMAL THAT IS ORDERED TO BE REMOVED**  
9 **FROM AN OWNER OR A CUSTODIAN UNDER THIS SUBSECTION SHALL TRANSFER**  
10 **IMMEDIATELY TO THE IMPOUNDING AGENCY.**

11 **[(b)] (C)** (1) An officer or authorized agent of [a humane society, or a police  
12 officer or other public official required to protect animals] **AN IMPOUNDING AGENCY** may  
13 seize **AND REMOVE** an animal if necessary to protect the animal from cruelty.

14 (2) (i) An animal that a medical and scientific research facility  
15 possesses may be removed under this subsection only after review by and a  
16 recommendation from the Maryland Department of Health, Center for Veterinary Public  
17 Health.

18 (ii) The Maryland Department of Health shall:

19 1. conduct an investigation within 24 hours after receiving a  
20 complaint; and

21 2. within 24 hours after completing the investigation, report  
22 to the State's Attorney for the county in which the facility is situated.

23 **[(c)] (D)** (1) If an animal is impounded, yarded, or confined without necessary  
24 food, water, or proper attention, is subject to cruelty, or is neglected, an officer or authorized  
25 agent of [a humane society, a police officer, another public official required to protect  
26 animals] **AN IMPOUNDING AGENCY**, or any invited and accompanying veterinarian  
27 licensed in the State, may:

28 (i) enter the place where the animal is located and supply the  
29 animal with necessary food, water, and attention; or

30 (ii) remove the animal if removal is necessary for the health of the  
31 animal.

32 (2) A person who enters a place under paragraph (1) of this subsection is  
33 not liable because of the entry.

1            **[(d)] (E)**     (1)    [A person who removes an animal under subsection (c) of this  
2 section shall notify the animal's owner or custodian of] **ON SEIZURE AND REMOVAL OF**  
3 **AN ANIMAL UNDER THIS SECTION, THE IMPOUNDING AGENCY SHALL POST IN A**  
4 **CONSPICUOUS PLACE AT THE LOCATION WHERE THE ANIMAL WAS SEIZED AND**  
5 **REMOVED A NOTICE TO THE ANIMAL'S OWNER OR CUSTODIAN OF:**

6                            (i)     the removal; and

7                            (ii)    any administrative remedies that may be available to the owner  
8 or custodian.

9                            (2)     If an administrative remedy is not available, the owner or custodian  
10 may file a petition for the return of the animal in the District Court of the county in which  
11 the removal occurred within 10 days after **THE DATE OF NOTICE OF** the removal.

12            **[(e)] (F)**     An animal is considered [a stray] **ABANDONED, AND OWNERSHIP OF**  
13 **THAT ANIMAL TRANSFERS TO THE IMPOUNDING AGENCY, if:**

14                            (1)     an owner or custodian of the animal was notified under subsection **[(d)]**  
15 **(E)** of this section and failed to file a petition within 10 days after **THE DATE OF NOTICE**  
16 **OF THE** removal; or

17                            (2)     the owner or custodian of the animal is unknown and cannot be  
18 ascertained by reasonable effort for 20 days to determine the owner or custodian.

19            **[(f)] (G)**     This section does not allow:

20                            (1)     entry into a private dwelling; or

21                            (2)     removal of a farm animal without the prior recommendation of a  
22 veterinarian licensed in the State.

23            **[(g)] (H)**     In Baltimore County, the Baltimore County Department of Health,  
24 Division of Animal Control or an organization that the Baltimore County government  
25 approves shall enforce this section.

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