

SENATE BILL 1038

E2, E1

8lr1532
CF HB 212

By: **Senators Smith, Benson, Brochin, Cassilly, Guzzone, Madaleno, Manno, Muse, Ramirez, Ready, and Zucker**

Introduced and read first time: February 5, 2018

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

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

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 10–606, 10–607, 10–607.1, and 10–608
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2017 Supplement)

14 BY adding to
15 Article – Criminal Law
16 Section 10–608.1
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 10–606.

23 (a) A person may not:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) intentionally:

2 (i) mutilate;

3 (ii) torture;

4 (iii) cruelly beat; or

5 (iv) cruelly kill an animal;

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

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

10 (b) (1) A person who violates this section is guilty of the felony of aggravated
11 cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a
12 fine not exceeding \$5,000 or both.

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

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

18 10-607.

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

21 (b) A person may not:

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

23 (2) arrange or conduct a dogfight;

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

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

28 (c) (1) A person who violates this section is guilty of the felony of aggravated
29 cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a
30 fine not exceeding \$5,000 or both.

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

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

6 10–607.1.

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

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

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

12 (2) “Implement of dogfighting” includes:

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

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

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

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

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

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

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

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

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

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

6 ~~[(3)]~~ (4) Each implement of dogfighting possessed in violation of this
7 section is a separate offense.

8 10-608.

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

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

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

14 (2) “Implement of cockfighting” includes:

15 (i) a gaff;

16 (ii) a slasher;

17 (iii) a postiza;

18 (iv) a sparring muff; and

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

21 (b) A person may not:

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

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

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

28 (4) possess, own, sell, transport, or train a fowl, cock, or other bird with the
29 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 imprisonment not exceeding 3 years or a
6 fine not exceeding \$5,000 or both.

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

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

12 **10-608.1.**

13 **(A) EXCEPT TO DISPOSE OF AN ANIMAL IN ACCORDANCE WITH A COURT**
14 **ORDER, A PERSON MAY NOT SELL, OFFER FOR SALE, OR TRADE AN ANIMAL IF THE**
15 **PERSON HAS PREVIOUSLY BEEN CONVICTED OF VIOLATING § 10-606, § 10-607,**
16 **§ 10-607.1, OR § 10-608 OF THIS SUBTITLE.**

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

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