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

AN ACT concerning

A BILL ENTITLED

2	Criminal Law - Animal Cruelty -	- Sentencing Conditions a	nd 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.
- 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:



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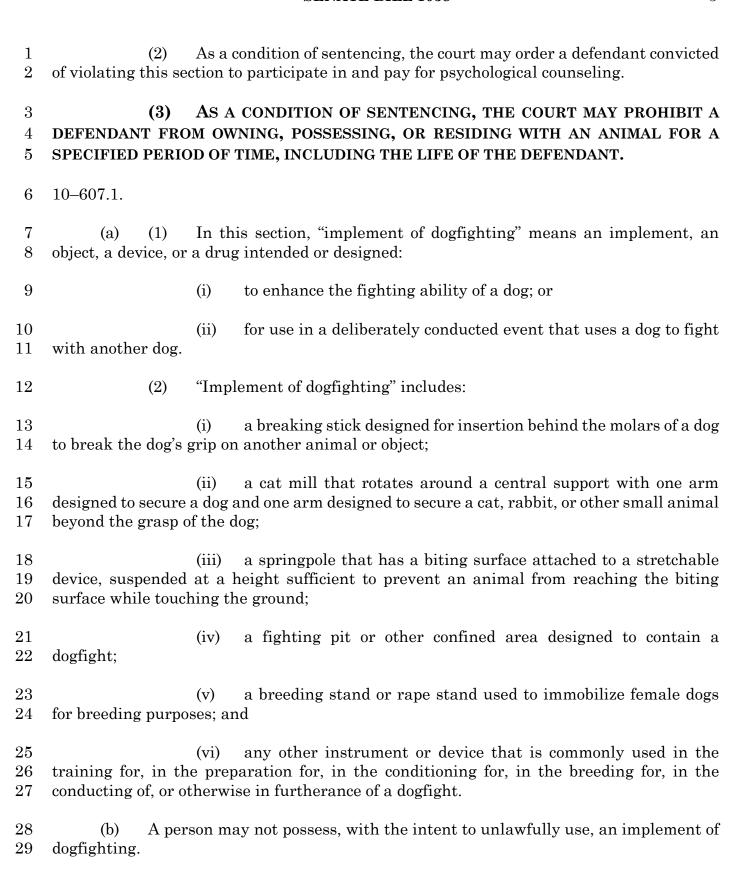
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fine not exceeding \$5,000 or both.

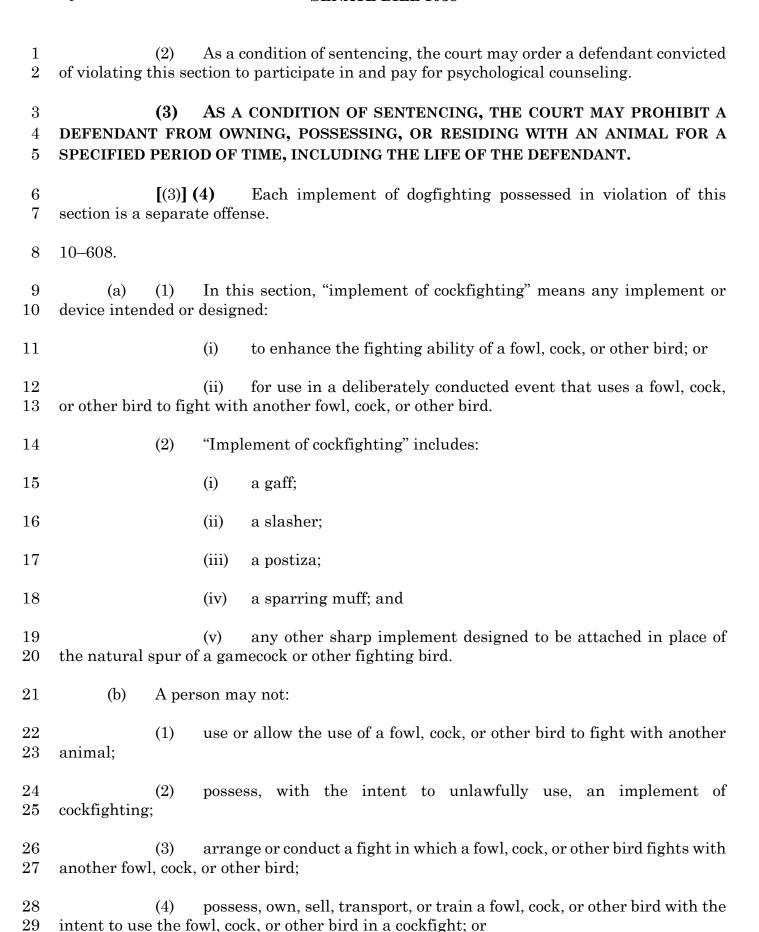
1		(1)	intent	cionally:	
2			(i)	mutilate;	
3			(ii)	torture;	
4			(iii)	cruelly beat; or	
5			(iv)	cruelly kill an animal;	
6 7	subsection;	(2) or	cause	, procure, or authorize an act prohibited under item (1) of this	
8	permanent o	(3) lisabili	-	t in the case of self-defense, intentionally inflict bodily harm, death on an animal owned or used by a law enforcement unit.	
$\begin{array}{c} 10 \\ 1 \\ 2 \end{array}$	(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.				
13 14	of violating	(2) this see		ondition of sentencing, the court may order a defendant convicted participate in and pay for psychological counseling.	
15 16 17			ning, p	condition of [probation] SENTENCING , the court may prohibit a cossessing, or residing with an animal FOR A SPECIFIED PERIOD HE LIFE OF THE DEFENDANT .	
18	10–607.				
19 20	(a) the fighting			on, "baiting" means using a dog to train a fighting dog or to test tinct of another dog.	
21	(b)	A per	son ma	y not:	
22		(1)	use or	allow a dog to be used in a dogfight or for baiting;	
23		(2)	arran	ge or conduct a dogfight;	
24 25	dog in a dog	(3) fight o	_	ss, own, sell, transport, or train a dog with the intent to use the aiting; or	
26 27	control to be	(4) used t		ingly allow premises under the person's ownership, charge, or uct a dogfight or for baiting.	

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



30 (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.



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