

HOUSE BILL 641

E1, E4
HB 1134/18 – JUD

9lr0486
CF SB 355

By: **Delegates Atterbeary, Anderson, Arentz, Barve, Brooks, Cardin, D.E. Davis, Ghrist, Hettleman, Jacobs, Kaiser, Kelly, Love, Luedtke, Malone, Moon, Otto, Parrott, Qi, Shetty, Stein, Stewart, ~~and Wilson~~ Wilson, Arikan, Sydnor, Grammer, McComas, Hartman, and W. Fisher**

Introduced and read first time: February 6, 2019

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2019

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Sexual Contact With an Animal**

3 FOR the purpose of prohibiting a person from engaging in sexual contact with an animal;
4 defining “sexual contact with an animal”; providing that engaging in sexual contact
5 with an animal constitutes a crime of violence; altering the definition of “Tier III sex
6 offender” to include a person who has been convicted of sexual contact with an
7 animal; and generally relating to sexual contact with animals.

8 BY repealing and reenacting, with amendments,

9 Article – Criminal Law

10 Section 10–606

11 Annotated Code of Maryland

12 (2012 Replacement Volume and 2018 Supplement)

13 (As enacted by Chapter 238 of the Acts of the General Assembly of 2018)

14 BY repealing and reenacting, with amendments,

15 Article – Criminal Law

16 Section 14–101(a)(24) and (25)

17 Annotated Code of Maryland

18 (2012 Replacement Volume and 2018 Supplement)

19 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Criminal Law
2 Section 14–101(a)(26)
3 Annotated Code of Maryland
4 (2012 Replacement Volume and 2018 Supplement)

5 BY repealing and reenacting, without amendments,
6 Article – Criminal Procedure
7 Section 11–701(a)
8 Annotated Code of Maryland
9 (2018 Replacement Volume)

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Procedure
12 Section 11–701(q)(1)
13 Annotated Code of Maryland
14 (2018 Replacement Volume)

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

17 **Article – Criminal Law**

18 10–606.

19 **(A) (1) IN THIS SECTION, “SEXUAL CONTACT WITH AN ANIMAL” MEANS**
20 **ANY ACT:**

21 **(I) INVOLVING:**

22 **1. A PERSON TOUCHING THE SEX ORGAN OR ANUS OF AN**
23 **ANIMAL;**

24 **2. CONTACT BETWEEN:**

25 **A. THE SEX ORGAN OR ANUS OF A PERSON AND THE**
26 **MOUTH, SEX ORGAN, OR ANUS OF AN ANIMAL; OR**

27 **B. THE SEX ORGAN OR ANUS OF AN ANIMAL, AND THE**
28 **MOUTH, SEX ORGAN, OR ANUS OF A PERSON; OR**

29 **3. INSERTION OF:**

30 **A. ANY PART OF THE BODY OF A PERSON INTO THE**
31 **OPENING OF THE VAGINA OR ANUS OF AN ANIMAL;**

1 (V) ENGAGE IN SEXUAL CONTACT WITH an animal;

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

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

6 [(b)] (C) (1) A person who violates this section is guilty of the felony of
7 aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding
8 3 years or a fine not exceeding \$5,000 or both.

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

10 (i) order a defendant convicted of violating this section to
11 participate in and pay for psychological counseling; and

12 (ii) prohibit a defendant from owning, possessing, or residing with
13 an animal for a specified period of time.

14 14–101.

15 (a) In this section, “crime of violence” means:

16 (24) assault with intent to commit a sexual offense in the first degree; [and]

17 (25) assault with intent to commit a sexual offense in the second degree;

18 AND

19 (26) AGGRAVATED CRUELTY TO ANIMALS UNDER § 10–606 OF THIS
20 ARTICLE.

21 Article – Criminal Procedure

22 11–701.

23 (a) In this subtitle the following words have the meanings indicated.

24 (q) “Tier III sex offender” means a person who has been convicted of:

25 (1) conspiring to commit, attempting to commit, or committing a violation
26 of:

27 (i) § 2–201(a)(4)(viii), (x), or (xi) of the Criminal Law Article;

28 (ii) § 3–303, § 3–304, § 3–307(a)(1) or (2), § 3–309, § 3–310, § 3–311,

1 § 3-312, § 3-315, § 3-323, [or] § 3-602, OR § 10-606(B)(1)(V) of the Criminal Law Article;

2 (iii) § 3-502 of the Criminal Law Article, if the victim is a minor;

3 (iv) § 3-502 of the Criminal Law Article, if the victim is an adult, and
4 the person has been ordered by the court to register under this subtitle;

5 (v) the common law offense of sodomy or § 3-322 of the Criminal
6 Law Article if the offense was committed with force or threat of force; or

7 (vi) § 3-305 or § 3-306 of the Criminal Law Article as the sections
8 existed before October 1, 2017;

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.