

SENATE BILL 926

E2

9lr3064
CF HB 131

By: **Senator West**

Introduced and read first time: February 14, 2019

Assigned to: Rules

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
30 Article – Criminal Procedure

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 11–1201 through 11–1211 to be under the new subtitle “Subtitle 12.
2 Maryland Animal Abuse Registry”
3 Annotated Code of Maryland
4 (2018 Replacement Volume)

5 Preamble

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

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

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

12 **Article – Criminal Procedure**

13 **SUBTITLE 12. MARYLAND ANIMAL ABUSE REGISTRY.**

14 **11–1201.**

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

17 (B) “ANIMAL ABUSE CRIME” MEANS:

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

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

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

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

29 (D) “ANIMAL SHELTER” MEANS A PUBLIC ANIMAL CONTROL FACILITY OR
30 ANY OTHER FACILITY THAT IS OPERATED BY AN ORGANIZATION OR INDIVIDUAL FOR
31 THE PURPOSE OF PROTECTING ANIMALS FROM CRUELTY, NEGLECT, OR ABUSE.

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

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

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

6 (2) IMPORT;

7 (3) EXPORT;

8 (4) BARTER;

9 (5) EXCHANGE; OR

10 (6) GIFT.

11 (G) "REGISTRANT" MEANS A PERSON REQUIRED TO REGISTER UNDER §
12 11-1204 OF THIS SUBTITLE.

13 (H) "REGISTRY" MEANS THE MARYLAND ANIMAL ABUSE REGISTRY,
14 ESTABLISHED UNDER § 11-1203 OF THIS SUBTITLE.

15 (I) "RELEASE" HAS THE MEANING STATED IN § 11-701 OF THIS TITLE.
16 11-1202.

17 FOR THE PURPOSES OF THIS SUBTITLE, A PERSON IS CONVICTED WHEN THE
18 PERSON:

19 (1) IS FOUND GUILTY OF A CRIME BY A JURY OR JUDICIAL OFFICER;
20 OR

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

22 11-1203.

23 (A) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A CENTRAL
24 COMPUTERIZED REGISTRY OF ALL PERSONS CONVICTED OF AN ANIMAL ABUSE
25 CRIME THAT ARE REQUIRED TO REGISTER IN ACCORDANCE WITH § 11-1204 OF THIS
26 SUBTITLE, TO BE KNOWN AS THE MARYLAND ANIMAL ABUSE REGISTRY.

1 (III) IS GRANTED A SUSPENDED SENTENCE; OR

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

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

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

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

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

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

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

15 (3) SUBJECT TO § 11-1209 OF THIS SUBTITLE, THE CIRCUIT COURT IN
16 THE COUNTY IN WHICH THE PERSON RESIDES ENTERS AN ORDER EXEMPTING THE
17 PERSON FROM THE REGISTRATION REQUIREMENTS OF THIS SUBTITLE.

18 11-1205.

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

21 (1) THE REGISTRANT'S LEGAL NAME;

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

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

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

25 (B) THE COUNTY SHERIFF SHALL OBTAIN A DIGITAL IMAGE OF THE
26 REGISTRANT'S HEAD AND SHOULDERS TAKEN IN FULL-FACE VIEW.

27 (C) A REGISTRANT SHALL UPDATE THE REGISTRANT'S REGISTRATION

1 INFORMATION:

2 (1) ANNUALLY; AND

3 (2) TO REFLECT ANY CHANGE IN ADDRESS WITHIN 10 DAYS OF THE
4 CHANGE.

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

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

12 (E) THE COUNTY SHERIFF SHALL FORWARD ALL REGISTRATION
13 INFORMATION TO THE DEPARTMENT.

14 11-1206.

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

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

21 11-1207.

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

23 (2) THE FUND CONSISTS OF:

24 (I) MONEY DISTRIBUTED TO THE FUND FROM ANNUAL
25 REGISTRATION FEES COLLECTED UNDER § 11-1206 OF THIS SUBTITLE; AND

26 (II) MONEY MADE AVAILABLE TO THE FUND FROM ANY OTHER
27 SOURCE.

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

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

3 **(5) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
4 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

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

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

9 **(2) UP TO 65% OF THE MONEY IN THE FUND SHALL BE PAYABLE TO**
10 **THE COUNTIES TO FUND THE COLLECTION OF THE INFORMATION BY THE COUNTY**
11 **SHERIFFS IN ACCORDANCE WITH § 11-1205 OF THIS SUBTITLE.**

12 **(3) UP TO 35% OF THE MONEY IN THE FUND SHALL BE PAYABLE TO**
13 **THE DEPARTMENT TO FUND THE ESTABLISHMENT AND ADMINISTRATION OF THE**
14 **MARYLAND ANIMAL ABUSE REGISTRY IN ACCORDANCE WITH § 11-1203 OF THIS**
15 **SUBTITLE.**

16 **11-1208.**

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

20 **11-1209.**

21 **(A) A PERSON CONVICTED OF AN ANIMAL ABUSE CRIME WHO WOULD**
22 **OTHERWISE BE REQUIRED TO REGISTER UNDER § 11-1204 OF THIS SUBTITLE MAY**
23 **PETITION THE CIRCUIT COURT IN THE COUNTY IN WHICH THE PERSON RESIDES FOR**
24 **AN ORDER EXEMPTING THE PERSON FROM THE REGISTRATION REQUIREMENTS OF**
25 **THIS SUBTITLE.**

26 **(B) (1) (I) THE CIRCUIT COURT MAY ENTER AN ORDER EXEMPTING A**
27 **PERSON FROM THE REGISTRATION REQUIREMENTS OF THIS SUBTITLE IF THE**
28 **COURT FINDS THAT:**

29 **1. THE CIRCUMSTANCES OF THE ANIMAL ABUSE CRIME,**
30 **IN CONJUNCTION WITH THE PERSON'S CRIMINAL HISTORY, DO NOT INDICATE A RISK**
31 **THAT THE PERSON WILL COMMIT ANOTHER ANIMAL ABUSE CRIME;**

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

2 **3. THE PERSON IS NOT A DANGER TO THE PUBLIC.**

3 **(II) THE CIRCUIT COURT SHALL SPECIFY IN WRITING THE**
4 **REASONS FOR ITS FINDINGS.**

5 **(2) ON MAKING THE FINDINGS DESCRIBED IN PARAGRAPH (1) OF**
6 **THIS SUBSECTION, THE CIRCUIT COURT SHALL ENTER AN ORDER EXEMPTING THE**
7 **PERSON FROM THE REGISTRATION REQUIREMENTS OF THIS SUBTITLE AND**
8 **ORDERING THE DEPARTMENT TO REMOVE THE PERSON'S REGISTRATION**
9 **INFORMATION FROM THE REGISTRY.**

10 **11-1210.**

11 **(A) A PERSON WHO IS SUBJECT TO REGISTRATION UNDER § 11-1204 OF**
12 **THIS SUBTITLE MAY NOT KNOWINGLY:**

13 **(1) FAIL TO REGISTER WITH THE COUNTY SHERIFF;**

14 **(2) FAIL TO PROVIDE ACCURATE INFORMATION WHEN REGISTERING**
15 **UNDER § 11-1204 OF THIS SUBTITLE; OR**

16 **(3) POSSESS AN ANIMAL WHILE SUBJECT TO THE REGISTRATION**
17 **REQUIREMENTS OF THIS SUBTITLE.**

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

20 **11-1211.**

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

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

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

28 **(D) A PET STORE OR AN ANIMAL BREEDER THAT VIOLATES THIS SECTION IS**

1 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
2 EXCEEDING \$5,000.

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