

Chapter 72

(House Bill 641)

AN ACT concerning

Criminal Law – Sexual Contact With an Animal – Aggravated Cruelty to Animals

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

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–606
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)
(As enacted by Chapter 238 of the Acts of the General Assembly of 2018)

~~BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 14–101(a)(24) and (25)
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)~~

~~BY adding to
Article – Criminal Law
Section 14–101(a)(26)
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)~~

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

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

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

Article – Criminal Law

10–606.

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

(I) INVOLVING:

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

2. CONTACT BETWEEN:

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

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

3. INSERTION OF:

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

B. ANY PART OF AN ANIMAL’S BODY INTO THE OPENING OF THE VAGINA OR ANUS OF A PERSON; OR

C. ANY OBJECT INTO THE OPENING OF THE VAGINA OR ANUS OF AN ANIMAL; AND

(II) COMMITTED FOR THE PURPOSE OF SEXUAL AROUSAL, SEXUAL GRATIFICATION, ABUSE, OR FINANCIAL GAIN.

(2) “SEXUAL CONTACT WITH AN ANIMAL” DOES NOT INCLUDE:

(I) AN ACCEPTED VETERINARY PRACTICE;

(II) ARTIFICIAL INSEMINATION OF AN ANIMAL FOR REPRODUCTIVE PURPOSES;

(III) ACCEPTED ANIMAL HUSBANDRY PRACTICES, INCLUDING:

1. GROOMING;
2. RAISING;
3. BREEDING;
4. ASSISTING WITH THE BIRTHING PROCESS; OR
5. ANY OTHER ACTIVITY THAT PROVIDES CARE FOR AN ANIMAL; OR

(IV) GENERALLY ACCEPTED PRACTICES RELATING TO THE JUDGING OF BREED CONFIRMATION.

[(a)] (B) A person may not:

(1) intentionally:

- (i) mutilate AN ANIMAL;
- (ii) torture AN ANIMAL;
- (iii) cruelly beat AN ANIMAL; [or]
- (iv) cruelly kill AN ANIMAL; OR

(V) ENGAGE IN SEXUAL CONTACT WITH an animal;

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

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

[(b)] (C) (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.

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

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

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

~~14-101.~~~~(a) In this section, “crime of violence” means:~~~~(24) assault with intent to commit a sexual offense in the first degree; [and]~~~~(25) assault with intent to commit a sexual offense in the second degree;~~~~AND~~~~(26) AGGRAVATED CRUELTY TO ANIMALS UNDER § 10-606 OF THIS ARTICLE.~~~~Article Criminal Procedure~~~~11-701.~~~~(a) In this subtitle the following words have the meanings indicated.~~~~(g) “Tier III sex offender” means a person who has been convicted of:~~~~(1) conspiring to commit, attempting to commit, or committing a violation of:~~~~(i) § 2-201(a)(4)(viii), (x), or (xi) of the Criminal Law Article;~~~~(ii) § 3-303, § 3-304, § 3-307(a)(1) or (2), § 3-309, § 3-310, § 3-311, § 3-312, § 3-315, § 3-323, [or] § 3-602, OR § 10-606(B)(1)(V) of the Criminal Law Article;~~~~(iii) § 3-502 of the Criminal Law Article, if the victim is a minor;~~~~(iv) § 3-502 of the Criminal Law Article, if the victim is an adult, and the person has been ordered by the court to register under this subtitle;~~~~(v) the common law offense of sodomy or § 3-322 of the Criminal Law Article if the offense was committed with force or threat of force; or~~~~(vi) § 3-305 or § 3-306 of the Criminal Law Article as the sections existed before October 1, 2017;~~

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

Approved by the Governor, April 18, 2019.