

SENATE BILL 607

E1

11r2698
CF HB 234

By: **Senator Jackson**

Introduced and read first time: January 29, 2021

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 2021

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Harm to Service Animals**

3 FOR the purpose of prohibiting a person from ~~intentionally or recklessly killing,~~ killing or
4 injuring, or interfering with the use of a certain service animal in a certain manner,
5 or allowing a certain animal to kill, injure, or interfere with the use of or injure a
6 certain service animal in a certain manner; establishing penalties for a violation of
7 this Act; ~~requiring~~ authorizing a court to order a certain defendant to pay certain
8 restitution as a condition of sentencing; providing for the application of this Act; and
9 generally relating to harmful acts committed against service animals.

10 BY repealing and reenacting, with amendments,

11 Article – Criminal Law

12 Section 10–603

13 Annotated Code of Maryland

14 (2012 Replacement Volume and 2020 Supplement)

15 BY adding to

16 Article – Criminal Law

17 Section 10–626

18 Annotated Code of Maryland

19 (2012 Replacement Volume and 2020 Supplement)

20 BY repealing and reenacting, without amendments,

21 Article – Human Services

22 Section 7–701(a) and (g)

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 Annotated Code of Maryland
2 (2019 Replacement Volume and 2020 Supplement)

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

5 **Article – Criminal Law**

6 10–603.

7 Sections 10–601 through 10–608 AND 10–626 of this subtitle do not apply to:

8 (1) customary and normal veterinary and agricultural husbandry practices
9 including dehorning, castration, tail docking, and limit feeding;

10 (2) research conducted in accordance with protocols approved by an animal
11 care and use committee, as required under the federal Animal Welfare Act or the federal
12 Health Research Extension Act;

13 (3) an activity that may cause unavoidable physical pain to an animal,
14 including food processing, pest elimination, animal training, and hunting, if the person
15 performing the activity uses the most humane method reasonably available; or

16 (4) normal human activities in which the infliction of pain to an animal is
17 purely incidental and unavoidable.

18 **10–626.**

19 **(A) IN THIS SECTION, “SERVICE ANIMAL” HAS THE MEANING STATED IN §**
20 **7–701 OF THE HUMAN SERVICES ARTICLE.**

21 **(B) A PERSON MAY NOT ~~INTENTIONALLY OR RECKLESSLY~~ WILLFULLY AND**
22 **MALICIOUSLY:**

23 **(1) KILL A SERVICE ANIMAL OR ALLOW AN ANIMAL THAT THE PERSON**
24 **OWNS OR OVER WHICH THE PERSON HAS IMMEDIATE CONTROL TO KILL A SERVICE**
25 **ANIMAL; OR**

26 **(2) INJURE A SERVICE ANIMAL OR ALLOW AN ANIMAL THAT THE**
27 **PERSON OWNS OR OVER WHICH THE PERSON HAS IMMEDIATE CONTROL TO INJURE**
28 **A SERVICE ANIMAL; ~~OR~~**

29 **~~(3) INTERFERE WITH THE USE OF A SERVICE ANIMAL OR ALLOW AN~~**
30 **~~ANIMAL THAT THE PERSON OWNS OR OVER WHICH THE PERSON HAS IMMEDIATE~~**
31 **~~CONTROL TO INTERFERE WITH THE USE OF A SERVICE ANIMAL BY OBSTRUCTING,~~**

1 ~~INTIMIDATING, OR OTHERWISE JEOPARDIZING THE SAFETY OF THE SERVICE~~
2 ~~ANIMAL OR ITS HANDLER.~~

3 (C) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
4 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
5 EXCEEDING ~~5~~ 2 YEARS OR A FINE NOT EXCEEDING ~~\$5,000~~ \$2,500 OR BOTH.

6 (2) AS A CONDITION OF SENTENCING, THE COURT ~~SHALL~~ MAY ORDER
7 A DEFENDANT CONVICTED OF VIOLATING THIS SECTION TO PAY, IN ADDITION TO
8 FINES AND COSTS, FULL RESTITUTION FOR ALL DAMAGES ARISING OUT OF THE
9 OFFENSE, INCLUDING:

10 (I) THE VALUE OF THE SERVICE ANIMAL;

11 (II) REPLACEMENT AND TRAINING OR RETRAINING EXPENSES
12 FOR THE SERVICE ANIMAL AND HANDLER;

13 (III) VETERINARY AND OTHER MEDICAL AND BOARDING
14 EXPENSES FOR THE SERVICE ANIMAL;

15 (IV) MEDICAL EXPENSES FOR THE HANDLER; AND

16 (V) LOST WAGES OR INCOME INCURRED BY THE HANDLER
17 DURING ANY PERIOD THAT THE HANDLER IS WITHOUT THE SERVICES OF THE
18 SERVICE ANIMAL.

19 Article – Human Services

20 7–701.

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

22 (g) “Service animal” means a guide dog, signal dog, or other animal individually
23 trained to do work or perform tasks for the benefit of an individual with a disability,
24 including:

25 (1) guiding individuals with impaired vision;

26 (2) alerting individuals with impaired hearing to an intruder or sounds;

27 (3) providing minimal protection or rescue work;

28 (4) pulling a wheelchair;

29 (5) fetching dropped items; or

1 (6) detecting the onset of a seizure.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 October 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.