
By: Delegate Holt

Requested: June 21, 1995

Introduced and read first time: January 10, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes and Punishments - Cruelty to Animals - Penalties**

3 FOR the purpose of altering the penalty for a person who intentionally mutilates or
4 cruelly kills an animal, causes, procures, or authorizes the cruel killing or
5 intentional mutilation of an animal, or uses or permits a dog to be used in or
6 arranges or conducts a dogfight; changing the crime from a misdemeanor to a
7 felony; and generally relating to the penalty for cruelty to animals.

8 BY repealing and reenacting, with amendments,
9 Article 27 - Crimes and Punishments
10 Section 59
11 Annotated Code of Maryland
12 (1992 Replacement Volume and 1995 Supplement)

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

15 **Article 27 - Crimes and Punishments**

16 59.

17 (a) Any person who (1) overdrives, overloads, deprives of necessary sustenance,
18 tortures, torments, or cruelly beats; or (2) causes, procures or authorizes these acts; or (3)
19 having the charge or custody of an animal, either as owner or otherwise, inflicts
20 unnecessary suffering or pain upon the animal, or unnecessarily fails to provide the
21 animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink,
22 air, space, shelter or protection from the weather; or (4) uses or permits to be used any
23 bird, fowl, or cock for the purpose of fighting with any other animal, which is commonly
24 known as cockfighting, is guilty of a misdemeanor punishable by a fine not exceeding
25 \$1,000 or by imprisonment not to exceed 90 days, or both.

26 (b) Any person who (1) intentionally mutilates or cruelly kills an animal, or
27 causes, procures, or authorizes the cruel killing or intentional mutilation of an animal; or
28 (2) uses or permits a dog to be used in or arranges or conducts a dogfight, is guilty of a
29 [misdemeanor] FELONY punishable by a fine not exceeding \$5,000 or by imprisonment
30 not to exceed 3 years, or both.

1 (c) Customary and normal veterinary and agricultural husbandry practices
2 including but not limited to dehorning, castration, docking tails, and limit feeding, are not
3 covered by the provisions of this section. In the case of activities in which physical pain
4 may unavoidably be caused to animals, such as food processing, pest elimination, animal
5 training, and hunting, cruelty shall mean a failure to employ the most humane method
6 reasonably available. It is the intention of the General Assembly that all animals, whether
7 they be privately owned, strays, domesticated, feral, farm, corporate or institutionally
8 owned, under private, local, State, or federally funded scientific or medical activities, or
9 otherwise being situated in Maryland shall be protected from intentional cruelty, but that
10 no person shall be liable for criminal prosecution for normal human activities to which
11 the infliction of pain to an animal is purely incidental and unavoidable.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 1996.