
By: **Washington County Delegation**

Introduced and read first time: February 5, 1998

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Washington County - Removal of Animals - Authorization by State**
3 **Veterinarian**

4 FOR the purpose of requiring the Maryland State Veterinarian to review and make
5 written recommendation for the removal of certain animals from certain
6 locations in Washington County; and generally relating to the removal of
7 animals from property in Washington County.

8 BY repealing and reenacting, with amendments,
9 Article 27 - Crimes and Punishments
10 Section 67
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 1997 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 67.

17 If the owner or custodian of an animal is convicted of any act of animal cruelty,
18 the judge may use his own discretion in ordering the removal of that animal or
19 animals for their protection at the time of conviction. Whenever it becomes necessary,
20 in order to protect any animal from neglect or cruelty, any officer or authorized agent
21 of an animal humane society or any police officer or other public officials charged with
22 the protection of animals may take possession of it, except that animals in the
23 possession of medical and scientific research facilities may not be removed therefrom
24 without the prior review and recommendation of the Department of Health and
25 Mental Hygiene, Division of Veterinary Medicine. The Department of Health and
26 Mental Hygiene shall conduct an investigation within 24 hours of the receipt of a
27 complaint and shall, within 24 hours of the investigation, report to the State's
28 Attorney of the county in which the facilities are situated. If an animal is impounded,
29 yarded or confined and continues without necessary food, water or proper attention,
30 or is cruelly treated or neglected, any officer or authorized agent of an animal humane

1 society or any police officer or other public officials charged with the protection of
2 animals may enter into and upon any place in which the animal is impounded, yarded
3 or confined and supply it with necessary food, water and attention so long as it there
4 remains, or, if necessary, for the health of the animal, may remove the animal, and not
5 be liable to any action for that entry. In all cases the owner or custodian of that
6 animal shall be notified of that action and any administrative remedies which may be
7 available by the person taking possession of the animal. The owner or custodian may
8 file within ten days, if no administrative remedy is available, a petition for return of
9 the animal in the District Court of the county in which the removal occurred. If the
10 owner or custodian is notified and fails to file the petition within the time prescribed,
11 or if the owner or custodian is unknown and cannot with reasonable effort be
12 ascertained for a period of 20 days, the animal shall be held to be an estray and be
13 dealt with as such, provided, however, that nothing in this section shall be construed
14 as permitting the entry into a private dwelling or as permitting the taking of a farm
15 animal without prior recommendation of a licensed veterinarian. In Baltimore
16 County, the provisions of this section shall be enforced by the Baltimore County
17 Bureau of Animal Control or by an organization approved by the Baltimore County
18 government. IN WASHINGTON COUNTY, THE MARYLAND STATE VETERINARIAN MUST
19 FIRST REVIEW AND SUBMIT WRITTEN AUTHORIZATION FOR ANY OFFICER OR
20 AUTHORIZED AGENT OF AN ANIMAL HUMANE SOCIETY OR ANY POLICE OFFICER OR
21 OTHER PUBLIC OFFICIAL CHARGED WITH THE PROTECTION OF ANIMALS TO TAKE
22 POSSESSION OF ANY ANIMAL IN ORDER TO PROTECT IT FROM NEGLECT OR CRUELTY.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 1998.