
By: **Delegate Taylor**

Introduced and read first time: March 9, 1998

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Pets - Killing and Injury**

3 FOR the purpose of providing that the intentional killing or injury of certain domestic
4 animals is subject to certain penalties, with a certain exception; requiring
5 persons who kill or injure certain pets to report that event to certain persons,
6 and to perform certain actions; providing that certain owners of certain animals
7 may bring a civil action to recover certain damages; and generally relating to
8 killing and injury of pets.

9 BY repealing and reenacting, without amendments,
10 Article 27 - Crimes and Punishments
11 Section 59
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 1997 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Courts and Judicial Proceedings
16 Section 11-110
17 Annotated Code of Maryland
18 (1995 Replacement Volume and 1997 Supplement)

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

21 **Article 27 - Crimes and Punishments**

22 59.

23 (a) Any person who (1) overdrives, overloads, deprives of necessary
24 sustenance, tortures, torments, or cruelly beats; or (2) causes, procures or authorizes
25 these acts; or (3) having the charge or custody of an animal, either as owner or
26 otherwise, inflicts unnecessary suffering or pain upon the animal, or unnecessarily
27 fails to provide the animal with nutritious food in sufficient quantity, necessary
28 veterinary care, proper drink, air, space, shelter or protection from the weather; or (4)

1 uses or permits to be used any bird, fowl, or cock for the purpose of fighting with any
2 other animal, which is commonly known as cockfighting; or (5) knowingly attends a
3 deliberately conducted dogfight as a spectator, is guilty of a misdemeanor punishable
4 by a fine not exceeding \$1,000 or by imprisonment not to exceed 90 days, or both.

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

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

22 **Article - Courts and Judicial Proceedings**

23 11-110.

24 (a) (1) In this section "pet" means a domesticated animal.

25 (2) "Pet" does not include livestock.

26 (b) The measure of damages for tortious injuries to a pet is the market value of
27 the pet before the injury or the reasonable cost of veterinary care, but not more than
28 \$2,500 if such charge is greater.

29 (C) (1) (I) A PERSON WHO INTENTIONALLY OR UNINTENTIONALLY KILLS
30 OR INJURES A PET AS DEFINED IN SUBSECTION (A) OF THIS SECTION SHALL, WITHIN
31 12 HOURS AFTER THE VIOLATION:

32 1. NOTIFY THE MARYLAND STATE POLICE OR A LOCAL LAW
33 ENFORCEMENT AGENCY; AND

34 2. MAKE A REASONABLE ATTEMPT TO NOTIFY THE OWNER
35 OF THE PET.

36 (II) IF THE PET IS INJURED, THE PERSON SHALL MAKE A
37 REASONABLE ATTEMPT TO SECURE VETERINARY CARE FOR THE PET.

1 (III) IF THE PET IS KILLED, THE PERSON SHALL MAKE A
2 REASONABLE ATTEMPT TO MAKE ARRANGEMENTS FOR THE RETURN THE CARCASS
3 TO THE OWNER.

4 (2) THE PENALTIES UNDER THIS SUBSECTION DO NOT APPLY TO A
5 PERSON WHO:

6 (I) REASONABLY BELIEVED THAT A PERSON WAS IN IMMINENT
7 DANGER OF PHYSICAL ATTACK OR HARM FROM THE PET AT THE TIME OF THE
8 VIOLATION; AND

9 (II) COMPLIES WITH SUBSECTION (C)(1)(I) OF THIS SECTION.

10 (3) (I) IN ADDITION TO ANY OTHER AVAILABLE REMEDY, AN OWNER
11 OF A PET THAT IS KILLED OR INJURED UNDER THIS SUBSECTION MAY BRING A CIVIL
12 ACTION AGAINST THE VIOLATOR IN A COURT OF COMPETENT JURISDICTION TO
13 RECOVER DAMAGES FOR THE VALUE OF AND INJURIES TO THE PET, INCLUDING
14 ASSOCIATED VETERINARY EXPENSES, COURT COSTS, AND REASONABLE ATTORNEY'S
15 FEES.

16 (II) IN THE CASE OF A VIOLATION NOT REPORTED UNDER
17 SUBSECTION (C)(1) OF THIS SECTION WITHIN 12 HOURS AFTER THE VIOLATION,
18 DAMAGES UNDER THIS SUBSECTION MAY INCLUDE THE SENTIMENTAL OR
19 EMOTIONAL VALUE OF THE PET TO THE OWNER.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 July 1, 1998.