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By: **Senator Haines**

Introduced and read first time: February 6, 1998

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Care of Mistreated Animals - Accompanying Veterinarians**

3 FOR the purpose of allowing licensed veterinarians to accompany police officers,  
4 animal humane society officials, and certain public officials when entering any  
5 place where certain animals are impounded or confined, in order to care for or  
6 remove the animals, without being held liable for the entry.

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

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

14 **Article 27 - Crimes and Punishments**

15 67.

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

1 animals, OR ANY LICENSED VETERINARIAN ASKED TO ACCOMPANY THEM, may enter  
2 into and upon any place in which the animal is impounded, yarded or confined and  
3 supply it with necessary food, water and attention so long as it there remains, or, if  
4 necessary, for the health of the animal, may remove the animal, and not be liable to  
5 any action for that entry. In all cases the owner or custodian of that animal shall be  
6 notified of that action and any administrative remedies which may be available by  
7 the person taking possession of the animal. The owner or custodian may file within  
8 ten days, if no administrative remedy is available, a petition for return of the animal  
9 in the District Court of the county in which the removal occurred. If the owner or  
10 custodian is notified and fails to file the petition within the time prescribed, or if the  
11 owner or custodian is unknown and cannot with reasonable effort be ascertained for a  
12 period of 20 days, the animal shall be held to be an estray and be dealt with as such,  
13 provided, however, that nothing in this section shall be construed as permitting the  
14 entry into a private dwelling or as permitting the taking of a farm animal without  
15 prior recommendation of a licensed veterinarian. In Baltimore County, the provisions  
16 of this section shall be enforced by the Baltimore County Bureau of Animal Control or  
17 by an organization approved by the Baltimore County government.

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