

HOUSE BILL 711

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1999 Regular Session
(9r1711)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Delegates Owings, Franchot, Sher, K. Kelly, Benson, Stern,
Rzepkowski, Patterson, Giannetti, Valderrama, Elliott, Moe, Menes,
Clagett, Stull, and Hixson**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Crimes - ~~Aggravated~~ Cruelty to Animals - Animals Used by a Law**
3 **Enforcement Unit**

4 FOR the purpose of ~~making it the felony of aggravated cruelty to animals to~~
5 ~~intentionally mutilate, torture, cruelly beat, or cruelly kill an animal, cause the~~
6 ~~cruel killing or intentional mutilation of an animal, use certain animals for~~
7 ~~dogfighting or cockfighting, or intentionally inflict bodily harm, permanent~~
8 ~~disability, or death on an animal owned or used by a law enforcement unit;~~
9 ~~increasing the penalties for certain prohibited acts; stating legislative intent;~~
10 ~~providing for the application of this Act; providing certain conditions of sentence;~~
11 ~~clarifying certain language prohibiting a person from inflicting certain injuries,~~
12 ~~disability, or death on animals used by law enforcement units under certain~~
13 ~~circumstances; authorizing a certain condition of sentencing for a certain~~
14 ~~violation; and generally relating to cruelty to animals.~~

15 BY repealing and reenacting, with amendments,

1 Article 27 - Crimes and Punishments
 2 Section 59
 3 Annotated Code of Maryland
 4 (1996 Replacement Volume and 1998 Supplement)

5 ~~BY adding to~~
 6 ~~Article 27 - Crimes and Punishments~~
 7 ~~Section 59~~
 8 ~~Annotated Code of Maryland~~
 9 ~~(1996 Replacement Volume and 1998 Supplement)~~

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

12 **Article 27 - Crimes and Punishments**

13 {59.

14 (a) Any person who (1) overdrives, overloads, deprives of necessary
 15 sustenance, tortures, torments, or cruelly beats; or (2) causes, procures or authorizes
 16 these acts; or (3) having the charge or custody of an animal, either as owner or
 17 otherwise, inflicts unnecessary suffering or pain upon the animal, or unnecessarily
 18 fails to provide the animal with nutritious food in sufficient quantity, necessary
 19 veterinary care, proper drink, air, space, shelter or protection from the weather; or (4)
 20 uses or permits to be used any bird, fowl, or cock for the purpose of fighting with any
 21 other animal, which is commonly known as cockfighting; or (5) knowingly attends a
 22 deliberately conducted dogfight as a spectator, is guilty of a misdemeanor punishable
 23 by a fine not exceeding \$1,000 or by imprisonment not to exceed 90 days, or both.

24 (b) (1) Any person who ~~(4)~~ (1) intentionally mutilates or cruelly kills an
 25 animal, or causes, procures, or authorizes the cruel killing or intentional mutilation of
 26 an animal; or ~~(2)~~ (II) uses or permits a dog to be used in or arranges or conducts a
 27 dogfight; OR ~~(3)~~ (III) EXCEPT IN THE CASE OF SELF-DEFENSE, INTENTIONALLY
 28 INFLECTS BODILY HARM, DISABILITY, OR DEATH ON AN ANIMAL USED BY A LAW
 29 ENFORCEMENT UNIT, is guilty of a misdemeanor punishable by a fine not exceeding
 30 \$5,000 or by imprisonment not to exceed 3 years, or both.

31 (2) AS A CONDITION OF SENTENCE FOR A PERSON CONVICTED UNDER
 32 PARAGRAPH (1) OF THIS SUBSECTION, A COURT MAY ORDER THE PERSON TO
 33 PARTICIPATE IN PSYCHOLOGICAL COUNSELING THAT IS TO BE PAID FOR BY THE
 34 PERSON.

35 (c) Customary and normal veterinary and agricultural husbandry practices
 36 including but not limited to dehorning, castration, docking tails, and limit feeding, are
 37 not covered by the provisions of this section. In the case of activities in which physical
 38 pain may unavoidably be caused to animals, such as food processing, pest elimination,
 39 animal training, and hunting, cruelty shall mean a failure to employ the most
 40 humane method reasonably available. It is the intention of the General Assembly that

1 all animals, whether they be privately owned, strays, domesticated, feral, farm,
 2 corporately or institutionally owned, under private, local, State, or federally funded
 3 scientific or medical activities, or otherwise being situated in Maryland shall be
 4 protected from intentional cruelty, but that no person shall be liable for criminal
 5 prosecution for normal human activities to which the infliction of pain to an animal is
 6 purely incidental and unavoidable.}

7 ~~59.~~

8 ~~(A)(1) A PERSON MAY NOT:~~

9 ~~(I) OVERDRIVE OR OVERLOAD AN ANIMAL;~~

10 ~~(II) DEPRIVE AN ANIMAL OF NECESSARY SUSTENANCE;~~

11 ~~(III) CAUSE, PROCURE, OR AUTHORIZE AN ACT PROHIBITED IN ITEM~~
 12 ~~(I) OR (II) OF THIS PARAGRAPH;~~

13 ~~(IV) WITH THE CHARGE OR CUSTODY OF AN ANIMAL AS OWNER OR~~
 14 ~~OTHERWISE, INFLICT UNNECESSARY SUFFERING OR PAIN UPON THE ANIMAL, OR~~
 15 ~~UNNECESSARILY FAIL TO PROVIDE THE ANIMAL WITH NUTRITIOUS FOOD IN~~
 16 ~~SUFFICIENT QUANTITY, NECESSARY VETERINARY CARE, PROPER DRINK, AIR, SPACE,~~
 17 ~~SHELTER, OR PROTECTION FROM THE WEATHER; OR~~

18 ~~(V) KNOWINGLY ATTEND A DELIBERATELY CONDUCTED~~
 19 ~~DOG FIGHT AS A SPECTATOR.~~

20 ~~(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A~~
 21 ~~MISDEMEANOR AND IS SUBJECT TO:~~

22 ~~(I) A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT~~
 23 ~~EXCEEDING 90 DAYS OR BOTH; AND~~

24 ~~(II) AS A CONDITION OF SENTENCE, PSYCHOLOGICAL COUNSELING~~
 25 ~~THAT IS TO BE PAID FOR BY THE DEFENDANT.~~

26 ~~(B) (1) A PERSON MAY NOT:~~

27 ~~(I) INTENTIONALLY MUTILATE, TORTURE, CRUELLY BEAT, OR~~
 28 ~~CRUELLY KILL AN ANIMAL;~~

29 ~~(II) CAUSE, PROCURE, OR AUTHORIZE THE CRUEL KILLING OR~~
 30 ~~INTENTIONAL MUTILATION OF AN ANIMAL;~~

31 ~~(III) USE OR ALLOW A DOG TO BE USED IN OR ARRANGE OR~~
 32 ~~CONDUCT A DOG FIGHT;~~

33 ~~(IV) USE OR ALLOW TO BE USED A BIRD, FOWL, OR COCK TO FIGHT~~
 34 ~~WITH ANOTHER ANIMAL IN A COCK FIGHT; OR~~

1 (V) INTENTIONALLY INFLICT BODILY HARM, PERMANENT
2 ~~DISABILITY, OR DEATH ON AN ANIMAL OWNED OR USED BY A LAW ENFORCEMENT~~
3 ~~UNIT.~~

4 (2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF THE
5 ~~FELONY OF AGGRAVATED CRUELTY TO ANIMALS AND IS SUBJECT TO:~~

6 (I) A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT
7 ~~EXCEEDING 3 YEARS OR BOTH; AND~~

8 (H) AS A CONDITION OF SENTENCE, PSYCHOLOGICAL COUNSELING
9 ~~THAT IS TO BE PAID FOR BY THE DEFENDANT.~~

10 (C) (1) THIS SECTION DOES NOT APPLY TO CUSTOMARY AND NORMAL
11 ~~VETERINARY AND AGRICULTURAL HUSBANDRY PRACTICES, INCLUDING BUT NOT~~
12 ~~LIMITED TO DEHORNING, CASTRATION, DOCKING TAILS, AND LIMIT FEEDING.~~

13 (2) WHEN ACTIVITIES IN WHICH PHYSICAL PAIN MAY UNAVOIDABLY BE
14 ~~CAUSED TO ANIMALS, SUCH AS FOOD PROCESSING, PEST ELIMINATION, ANIMAL~~
15 ~~TRAINING, AND HUNTING, CRUELTY MEANS A FAILURE TO EMPLOY THE MOST~~
16 ~~HUMANE METHOD REASONABLY AVAILABLE.~~

17 (3) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT ALL ANIMALS,
18 ~~WHETHER THEY ARE PRIVATELY OWNED, STRAYS, DOMESTICATED, FERAL, FARM,~~
19 ~~CORPORATELY OR INSTITUTIONALLY OWNED, UNDER PRIVATE, LOCAL, STATE, OR~~
20 ~~FEDERALLY FUNDED SCIENTIFIC OR MEDICAL ACTIVITIES, OR OTHERWISE~~
21 ~~PHYSICALLY LOCATED IN THIS STATE SHALL BE PROTECTED FROM INTENTIONAL~~
22 ~~CRUELTY. HOWEVER, NO PERSON SHALL BE LIABLE FOR CRIMINAL PROSECUTION~~
23 ~~FOR NORMAL HUMAN ACTIVITIES IN WHICH THE INFLECTION OF PAIN TO AN ANIMAL~~
24 ~~IS PURELY INCIDENTAL AND UNAVOIDABLE.~~

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 1999.