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

Introduced and read first time: February 12, 1999

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Aggravated Cruelty to Animals**

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

11 BY repealing
12 Article 27 - Crimes and Punishments
13 Section 59
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 1998 Supplement)

16 BY adding to
17 Article 27 - Crimes and Punishments
18 Section 59
19 Annotated Code of Maryland
20 (1996 Replacement Volume and 1998 Supplement)

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

23 **Article 27 - Crimes and Punishments**

24 [59.

25 (a) Any person who (1) overdrives, overloads, deprives of necessary
26 sustenance, tortures, torments, or cruelly beats; or (2) causes, procures or authorizes

1 these acts; or (3) having the charge or custody of an animal, either as owner or
2 otherwise, inflicts unnecessary suffering or pain upon the animal, or unnecessarily
3 fails to provide the animal with nutritious food in sufficient quantity, necessary
4 veterinary care, proper drink, air, space, shelter or protection from the weather; or (4)
5 uses or permits to be used any bird, fowl, or cock for the purpose of fighting with any
6 other animal, which is commonly known as cockfighting; or (5) knowingly attends a
7 deliberately conducted dogfight as a spectator, is guilty of a misdemeanor punishable
8 by a fine not exceeding \$1,000 or by imprisonment not to exceed 90 days, or both.

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

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

26 59.

27 (A)(1) A PERSON MAY NOT:

28 (I) OVERDRIVE OR OVERLOAD AN ANIMAL;

29 (II) DEPRIVE AN ANIMAL OF NECESSARY SUSTENANCE;

30 (III) CAUSE, PROCURE, OR AUTHORIZE AN ACT PROHIBITED IN ITEM
31 (I) OR (II) OF THIS PARAGRAPH;

32 (IV) WITH THE CHARGE OR CUSTODY OF AN ANIMAL AS OWNER OR
33 OTHERWISE, INFLICT UNNECESSARY SUFFERING OR PAIN UPON THE ANIMAL, OR
34 UNNECESSARILY FAIL TO PROVIDE THE ANIMAL WITH NUTRITIOUS FOOD IN
35 SUFFICIENT QUANTITY, NECESSARY VETERINARY CARE, PROPER DRINK, AIR, SPACE,
36 SHELTER, OR PROTECTION FROM THE WEATHER; OR

37 (V) KNOWINGLY ATTEND A DELIBERATELY CONDUCTED
38 DOGFIGHT AS A SPECTATOR.

39 (2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
40 MISDEMEANOR AND IS SUBJECT TO:

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

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

5 (B) (1) A PERSON MAY NOT:

6 (I) INTENTIONALLY MUTILATE, TORTURE, CRUELLY BEAT, OR
7 CRUELLY KILL AN ANIMAL;

8 (II) CAUSE, PROCURE, OR AUTHORIZE THE CRUEL KILLING OR
9 INTENTIONAL MUTILATION OF AN ANIMAL;

10 (III) USE OR ALLOW A DOG TO BE USED IN OR ARRANGE OR
11 CONDUCT A DOGFIGHT;

12 (IV) USE OR ALLOW TO BE USED A BIRD, FOWL, OR COCK TO FIGHT
13 WITH ANOTHER ANIMAL IN A COCKFIGHT; OR

14 (V) INTENTIONALLY INFLICT BODILY HARM, PERMANENT
15 DISABILITY, OR DEATH ON AN ANIMAL OWNED OR USED BY A LAW ENFORCEMENT
16 UNIT.

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

19 (I) A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT
20 EXCEEDING 3 YEARS OR BOTH; AND

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

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

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

30 (3) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT ALL ANIMALS,
31 WHETHER THEY ARE PRIVATELY OWNED, STRAYS, DOMESTICATED, FERAL, FARM,
32 CORPORATELY OR INSTITUTIONALLY OWNED, UNDER PRIVATE, LOCAL, STATE, OR
33 FEDERALLY FUNDED SCIENTIFIC OR MEDICAL ACTIVITIES, OR OTHERWISE
34 PHYSICALLY LOCATED IN THIS STATE SHALL BE PROTECTED FROM INTENTIONAL
35 CRUELTY. HOWEVER, NO PERSON SHALL BE LIABLE FOR CRIMINAL PROSECUTION
36 FOR NORMAL HUMAN ACTIVITIES IN WHICH THE INFLECTION OF PAIN TO AN ANIMAL
37 IS PURELY INCIDENTAL AND UNAVOIDABLE.

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