

HOUSE BILL 649

Unofficial Copy  
E1  
HB 711/99 - JUD

2001 Regular Session  
11r0736  
CF 11r1451

---

By: **Delegates Montague, Owings, Stern, R. Baker, W. Baker, Barkley, Bartlett, Barve, Benson, Bobo, Boschert, Boutin, Bozman, Brinkley, Bronrott, Brown, Cadden, Cane, Clagett, Cole, Conroy, Conway, DeCarlo, Dembrow, Dewberry, Dobson, Dypski, Edwards, Elliott, Finifter, Frush, Getty, Giannetti, Glassman, Goldwater, Hammen, Hecht, Heller, Hixson, Hubbard, Hubers, Hurson, James, A. Jones, Kagan, K. Kelly, Klausmeier, Kopp, Krysiak, La Vay, Love, Malone, McClenahan, McHale, Menes, Moe, Mohorovic, Morhaim, Nathan-Pulliam, Oaks, O'Donnell, Patterson, Pitkin, Riley, Rosso, Rudolph, Rzepkowski, Shank, Sher, Snodgrass, Sophocleus, Stull, Turner, Valderrama, Walkup, Weir, and Zirkin**

Introduced and read first time: February 7, 2001

Assigned to: Judiciary

---

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Aggravated Cruelty to Animals**

3 FOR the purpose of establishing as the felony of aggravated cruelty to animals certain  
4 acts relating to the mutilation, torture, killing, or beating of an animal, certain  
5 actions relating to dogfighting and cockfighting, and certain injuries to animals  
6 owned or used by law enforcement units under certain circumstances; allowing  
7 a court to order certain psychological counseling for persons convicted of certain  
8 crimes involving cruelty to animals; repealing certain provisions relating to  
9 animal cruelty; making stylistic changes; and generally relating to animal  
10 cruelty.

11 BY repealing

12 Article 27 - Crimes and Punishments

13 Section 59

14 Annotated Code of Maryland

15 (1996 Replacement Volume and 2000 Supplement)

16 BY adding to

17 Article 27 - Crimes and Punishments

18 Section 59

19 Annotated Code of Maryland

20 (1996 Replacement Volume and 2000 Supplement)

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

3 **Article 27 - Crimes and Punishments**

4 [59.

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

15 (b) (1) Any person who (i) intentionally mutilates or cruelly kills an animal,  
16 or causes, procures, or authorizes the cruel killing or intentional mutilation of an  
17 animal; or (ii) uses or permits a dog to be used in or arranges or conducts a dogfight;  
18 or (iii) except in the case of self-defense, intentionally inflicts bodily harm, disability,  
19 or death on an animal used by a law enforcement unit, is guilty of a misdemeanor  
20 punishable by a fine not exceeding \$5,000 or by imprisonment not to exceed 3 years,  
21 or both.

22 (2) As a condition of sentence for a person convicted under paragraph (1)  
23 of this subsection, a court may order the person to participate in psychological  
24 counseling that is to be paid for by the person.

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

37 59.

38 (A) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT ALL ANIMALS BE  
39 PROTECTED FROM INTENTIONAL CRUELTY IF THEY ARE:

40 (1) PRIVATELY OWNED;

- 1 (2) STRAYS;
- 2 (3) DOMESTICATED;
- 3 (4) FERAL;
- 4 (5) FARM ANIMALS;
- 5 (6) CORPORATELY OR INSTITUTIONALLY OWNED;
- 6 (7) IN PRIVATELY, LOCALLY, STATE, OR FEDERALLY FUNDED  
7 SCIENTIFIC OR MEDICAL ACTIVITIES; OR
- 8 (8) OTHERWISE LOCATED IN THE STATE.
- 9 (B) (1) A PERSON MAY NOT:
- 10 (I) OVERDRIVE OR OVERLOAD AN ANIMAL;
- 11 (II) DEPRIVE AN ANIMAL OF NECESSARY SUSTENANCE;
- 12 (III) CAUSE, PROCURE, OR AUTHORIZE AN ACT PROHIBITED IN ITEM  
13 (I) OR ITEM (II) OF THIS PARAGRAPH;
- 14 (IV) WITH THE CHARGE OR CUSTODY OF AN ANIMAL, AS OWNER OR  
15 OTHERWISE:
- 16 1. INFLECT UNNECESSARY SUFFERING OR PAIN ON THE  
17 ANIMAL; OR
- 18 2. UNNECESSARILY FAIL TO PROVIDE THE ANIMAL WITH  
19 NUTRITIOUS FOOD IN SUFFICIENT QUANTITY, NECESSARY VETERINARY CARE,  
20 PROPER DRINK, AIR, SPACE, SHELTER, OR PROTECTION FROM THE WEATHER; OR
- 21 (V) KNOWINGLY ATTEND A DELIBERATELY CONDUCTED  
22 DOGFIGHT AS A SPECTATOR.
- 23 (2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A  
24 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:
- 25 (I) IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT  
26 EXCEEDING \$1,000 OR BOTH; AND
- 27 (II) PSYCHOLOGICAL COUNSELING, AS A CONDITION OF  
28 SENTENCING, THAT IS TO BE PAID FOR BY THE DEFENDANT.
- 29 (C) (1) A PERSON MAY NOT:
- 30 (I) INTENTIONALLY MUTILATE, TORTURE, CRUELLY BEAT, OR  
31 CRUELLY KILL AN ANIMAL;

1 (II) CAUSE, PROCURE, OR AUTHORIZE AN ACT DESCRIBED IN ITEM  
2 (I) OF THIS PARAGRAPH;

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

5 (IV) USE OR ALLOW TO BE USED A BIRD, FOWL, OR COCK TO FIGHT  
6 WITH ANOTHER ANIMAL, COMMONLY KNOWN AS COCKFIGHTING; OR

7 (V) EXCEPT IN THE CASE OF SELF-DEFENSE, INTENTIONALLY  
8 INFLICT BODILY HARM, PERMANENT DISABILITY, OR DEATH ON AN ANIMAL OWNED  
9 OR USED BY A LAW ENFORCEMENT UNIT.

10 (2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF THE  
11 FELONY OF AGGRAVATED CRUELTY TO ANIMALS AND ON CONVICTION IS SUBJECT  
12 TO:

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

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

17 (D) (1) THIS SECTION DOES NOT APPLY TO CUSTOMARY AND NORMAL  
18 VETERINARY AND AGRICULTURAL HUSBANDRY PRACTICES, INCLUDING  
19 DEHORNING, CASTRATION, DOCKING TAILS, OR LIMIT FEEDING.

20 (2) WHEN ACTIVITIES IN WHICH PHYSICAL PAIN MAY UNAVOIDABLY BE  
21 CAUSED TO ANIMALS, AS IN FOOD PROCESSING, PEST ELIMINATION, ANIMAL  
22 TRAINING, OR HUNTING, "CRUELTY" MEANS A FAILURE TO EMPLOY THE MOST  
23 HUMANE METHOD REASONABLY AVAILABLE.

24 (3) A PERSON MAY NOT BE HELD LIABLE FOR CRIMINAL PROSECUTION  
25 FOR NORMAL HUMAN ACTIVITIES IN WHICH THE INFLICTION OF PAIN TO AN ANIMAL  
26 IS PURELY INCIDENTAL AND UNAVOIDABLE.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2001.