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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

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 21, 2001

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CHAPTER \_\_\_\_\_

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; establishing a certain exception; repealing  
9 certain provisions relating to animal cruelty; establishing that the District  
10 Court has jurisdiction that is concurrent with a circuit court in felony cases  
11 involving cruelty to animals; making stylistic changes; and generally relating to  
12 animal cruelty.

13 BY repealing  
14 Article 27 - Crimes and Punishments  
15 Section 59  
16 Annotated Code of Maryland

1 (1996 Replacement Volume and 2000 Supplement)

2 BY adding to

3 Article 27 - Crimes and Punishments

4 Section 59

5 Annotated Code of Maryland

6 (1996 Replacement Volume and 2000 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article - Courts and Judicial Proceedings

9 Section 4-301(b)(13) and (14) and 4-302(a) and (d)(1)

10 Annotated Code of Maryland

11 (1998 Replacement Volume and 2000 Supplement)

12 BY adding to

13 Article - Courts and Judicial Proceedings

14 Section 4-301(b)(15)

15 Annotated Code of Maryland

16 (1998 Replacement Volume and 2000 Supplement)

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

19 **Article 27 - Crimes and Punishments**

20 [59.

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

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

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

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

16 59.

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

19 (1) PRIVATELY OWNED;

20 (2) STRAYS;

21 (3) DOMESTICATED;

22 (4) FERAL;

23 (5) FARM ANIMALS;

24 (6) CORPORATELY OR INSTITUTIONALLY OWNED;

25 (7) IN PRIVATELY, LOCALLY, STATE, OR FEDERALLY FUNDED  
26 SCIENTIFIC OR MEDICAL ACTIVITIES; OR

27 (8) OTHERWISE LOCATED IN THE STATE.

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

29 (I) OVERDRIVE OR OVERLOAD AN ANIMAL;

30 (II) DEPRIVE AN ANIMAL OF NECESSARY SUSTENANCE;

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

33 (IV) WITH THE CHARGE OR CUSTODY OF AN ANIMAL, AS OWNER OR  
34 OTHERWISE:



1 (I) CUSTOMARY AND NORMAL VETERINARY AND AGRICULTURAL  
 2 HUSBANDRY PRACTICES, INCLUDING, BUT NOT LIMITED TO, DEHORNING,  
 3 CASTRATION, DOCKING TAILS, OR LIMIT FEEDING; OR

4 (II) RESEARCH CONDUCTED IN ACCORDANCE WITH PROTOCOLS  
 5 APPROVED BY AN ANIMAL CARE AND USE COMMITTEE, AS REQUIRED UNDER THE  
 6 FEDERAL ANIMAL WELFARE ACT OR THE FEDERAL HEALTH RESEARCH EXTENSION  
 7 ACT.

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

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

15 **Article - Courts and Judicial Proceedings**

16 4-301.

17 (b) Except as provided in § 4-302 of this subtitle, the District Court also has  
 18 exclusive original jurisdiction in a criminal case in which a person at least 18 years  
 19 old or a corporation is charged with:

20 (13) Violation of Article 27, § 388A of the Code; [or]

21 (14) Violation of Title 11, Subtitle 5 of the Financial Institutions Article;  
 22 OR

23 (15) VIOLATION OF ARTICLE 27, § 59 OF THE CODE, WHETHER FELONY OR  
 24 MISDEMEANOR.

25 4-302.

26 (a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13),  
 27 [and] (14), AND (15) of this subtitle, the District Court does not have jurisdiction to  
 28 try a criminal case charging the commission of a felony.

29 (d) (1) Except as provided in paragraph (2) of this subsection, the  
 30 jurisdiction of the District Court is concurrent with that of the circuit court in a  
 31 criminal case:

32 (i) In which the penalty may be confinement for three years or  
 33 more or a fine of \$2,500 or more; or

34 (ii) Which is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9),  
 35 (10), (11), (12), (13), [and] (14), AND (15) of this subtitle.

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