

HOUSE BILL 993

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HB 1048/00 - JUD

2001 Regular Session
11r1480

By: **Delegates Malone, W. Baker, Barkley, Barve, Benson, Boschert, Boutin, Clagett, Conroy, DeCarlo, Dewberry, Donoghue, Eckardt, Frush, Glassman, Harrison, Healey, Heller, Hubers, Hurson, A. Jones, Kach, Klausmeier, Klima, Leopold, McClenahan, Moe, Nathan-Pulliam, O'Donnell, Owings, Parrott, Pitkin, Rosso, Rudolph, Shank, and Sophocleus**

Introduced and read first time: February 9, 2001
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Dogfighting - Penalties**

3 FOR the purpose of increasing a certain fine for the crime of using or permitting a dog
4 to be used in or arranging or conducting a dog fight; making a technical change;
5 and generally relating to cruelty to animals.

6 BY repealing and reenacting, with amendments,
7 Article 27 - Crimes and Punishments
8 Section 59
9 Annotated Code of Maryland
10 (1996 Replacement Volume and 2000 Supplement)

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

13 **Article 27 - Crimes and Punishments**

14 59.

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

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

8 (2) As a condition of sentence for a person convicted under paragraph (1)
9 of this subsection OR SUBSECTION (C) OF THIS SECTION, a court may order the person
10 to participate in psychological counseling that is to be paid for by the person.

11 (C) ANY PERSON WHO USES OR PERMITS A DOG TO BE USED IN OR ARRANGES
12 OR CONDUCTS A DOGFIGHT IS GUILTY OF A FELONY AND ON CONVICTION IS
13 SUBJECT TO A FINE NOT EXCEEDING \$20,000 OR IMPRISONMENT NOT EXCEEDING 3
14 YEARS OR BOTH.

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

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