

SENATE BILL 356

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2001 Regular Session
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By: **Senators Jimeno, Collins, DeGrange, Frosh, Jacobs, Neall, Stone, and
Teitelbaum Teitelbaum, Colburn, Lawlah, McCabe, and Van Hollen**

Introduced and read first time: February 1, 2001

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2001

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 for research
9 activities under certain circumstances; repealing certain provisions relating to
10 animal cruelty; making stylistic changes; and generally relating to animal
11 cruelty.

12 BY repealing
13 Article 27 - Crimes and Punishments
14 Section 59
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 2000 Supplement)

17 BY adding to
18 Article 27 - Crimes and Punishments
19 Section 59
20 Annotated Code of Maryland
21 (1996 Replacement Volume and 2000 Supplement)

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

1

Article 27 - Crimes and Punishments

2 [59.

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

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

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

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

35 59.

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

38 (1) PRIVATELY OWNED;

39 (2) STRAYS;

40 (3) DOMESTICATED;

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

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

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

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

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

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

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

15 (D) (1) THIS SECTION DOES NOT APPLY TO:

16 (I) CUSTOMARY AND NORMAL VETERINARY AND AGRICULTURAL
17 HUSBANDRY PRACTICES, INCLUDING DEHORNING, CASTRATION, DOCKING TAILS, OR
18 LIMIT FEEDING; OR

19 (II) RESEARCH CONDUCTED IN ACCORDANCE WITH PROTOCOLS
20 APPROVED BY AN ANIMAL CARE AND USE COMMITTEE, AS REQUIRED UNDER THE
21 FEDERAL ANIMAL WELFARE ACT OR THE FEDERAL HEALTH RESEARCH EXTENSION
22 ACT.

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

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

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

