

HOUSE BILL 510

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2002 Regular Session
2lr0439

By: **Delegates Boutin, Bartlett, Barve, Boschert, Elliott, Frush, Fulton,
Hubers, Kach, Kirk, Klima, Marriott, Menes, Mohorovic, Montague,
Nathan-Pulliam, Owings, Pitkin, Redmer, Rosso, Rzepkowski, Sher,
Snodgrass, Sophocleus, Stern, and Stull**

Introduced and read first time: January 31, 2002

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Animal Cruelty - Dogfighting and Cockfighting**

3 FOR the purpose of prohibiting a person from knowingly attending as a spectator a
4 deliberately conducted event that uses a fowl, cock, or other bird to fight with
5 another animal; prohibiting a person from possessing certain implements or
6 devices relating to dogfighting or a fowl, cock, or other bird fighting with
7 another animal; prohibiting a person from possessing, owning, selling,
8 transporting, or training a dog or a fowl, cock, or other bird for certain purposes;
9 prohibiting a person from knowingly allowing certain premises to be used for
10 certain purposes; defining certain terms; establishing certain penalties; and
11 generally relating to animal cruelty and dogfighting and cockfighting.

12 BY repealing and reenacting, without amendments,
13 Article - Criminal Law
14 Section 10-605
15 Annotated Code of Maryland
16 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
17 2002)

18 BY adding to
19 Article - Criminal Law
20 Section 10-605.1
21 Annotated Code of Maryland
22 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
23 2002)

24 BY repealing and reenacting, with amendments,
25 Article - Criminal Law
26 Section 10-607 and 10-608
27 Annotated Code of Maryland

1 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
2 2002)

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

5 **Article - Criminal Law**

6 10-605.

7 (a) A person may not knowingly attend a deliberately conducted dogfight as a
8 spectator.

9 (b) (1) A person who violates this section is guilty of a misdemeanor and on
10 conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding
11 \$1,000 or both.

12 (2) As a condition of sentencing, the court may order a defendant
13 convicted of violating this section to participate in and pay for psychological
14 counseling.

15 10-605.1.

16 (A) A PERSON MAY NOT KNOWINGLY ATTEND AS A SPECTATOR A
17 DELIBERATELY CONDUCTED EVENT THAT USES A FOWL, COCK, OR OTHER BIRD TO
18 FIGHT WITH ANOTHER ANIMAL.

19 (B) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
20 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
21 EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

22 (2) AS A CONDITION OF SENTENCING, THE COURT MAY ORDER A
23 DEFENDANT CONVICTED OF VIOLATING THIS SECTION TO PARTICIPATE IN AND PAY
24 FOR PSYCHOLOGICAL COUNSELING.

25 10-607.

26 (a) (1) IN THIS SECTION, "IMPLEMENT OF DOGFIGHTING" MEANS AN
27 IMPLEMENT OR DEVICE INTENDED OR DESIGNED:

28 (I) TO ENHANCE THE FIGHTING ABILITY OF A DOG; OR

29 (II) FOR USE IN DOGFIGHTING.

30 (2) "IMPLEMENT OF DOGFIGHTING" INCLUDES A MACHINE OR
31 POWER-PROPELLED DEVICE TO WHICH A LIVE ANIMAL IS TIED, ATTACHED, OR
32 FASTENED FOR THE PURPOSE OF BEING PURSUED BY A DOG.

33 (B) A person may not:

34 (1) use or allow a dog to be used in a dogfight; [or]

- 1 (2) arrange or conduct a dogfight;
- 2 (3) POSSESS AN IMPLEMENT OF DOGFIGHTING;
- 3 (4) POSSESS, OWN, SELL, TRANSPORT, OR TRAIN A DOG FOR THE
4 PURPOSE OF BEING USED IN A DOGFIGHT; OR
- 5 (5) KNOWINGLY ALLOW PREMISES UNDER THE PERSON'S OWNERSHIP,
6 CHARGE, OR CONTROL TO BE USED TO CONDUCT A DOGFIGHT.

7 [(b)] (C) (1) A person who violates this section is guilty of the felony of
8 aggravated cruelty to animals and on conviction is subject to imprisonment not
9 exceeding 3 years or a fine not exceeding \$5,000 or both.

10 (2) As a condition of sentencing, the court may order a defendant
11 convicted of violating this section to participate in and pay for psychological
12 counseling.

13 10-608.

14 (a) (1) IN THIS SECTION, "IMPLEMENT OF COCKFIGHTING" MEANS ANY
15 IMPLEMENT OR DEVICE INTENDED OR DESIGNED:

16 (I) TO ENHANCE THE FIGHTING ABILITY OF A FOWL, COCK, OR
17 OTHER BIRD; OR

18 (II) FOR USE IN A DELIBERATELY CONDUCTED EVENT THAT USES A
19 FOWL, COCK, OR OTHER BIRD TO FIGHT WITH ANOTHER ANIMAL.

20 (2) "IMPLEMENT OF COCKFIGHTING" INCLUDES:

21 (I) A GAFF;

22 (II) SLASHER;

23 (III) POSTIZA;

24 (IV) SPARRING MUFF; AND

25 (V) ANY OTHER SHARP IMPLEMENT DESIGNED TO BE ATTACHED IN
26 PLACE OF THE NATURAL SPUR OF A GAMECOCK OR OTHER FIGHTING BIRD.

27 (B) A person may not:

28 (1) use or allow the use of a fowl, cock, or other bird to fight with another
29 animal;

30 (2) POSSESS AN IMPLEMENT OF COCKFIGHTING;

31 (3) ARRANGE OR CONDUCT A FIGHT IN WHICH A FOWL, COCK, OR OTHER
32 BIRD FIGHTS WITH ANOTHER ANIMAL;

1 (4) POSSESS, OWN, SELL, TRANSPORT, OR TRAIN A FOWL, COCK, OR
2 OTHER BIRD FOR THE PURPOSE OF ENGAGING IN FIGHTING; OR

3 (5) KNOWINGLY ALLOW PREMISES UNDER THE PERSON'S OWNERSHIP,
4 CHARGE, OR CONTROL TO BE USED TO CONDUCT A FIGHT IN WHICH A FOWL, COCK,
5 OR OTHER BIRD FIGHTS WITH ANOTHER ANIMAL.

6 [(b)] (C) (1) A person who violates this section is guilty of the felony of
7 aggravated cruelty to animals and on conviction is subject to imprisonment not
8 exceeding 3 years or a fine not exceeding \$5,000 or both.

9 (2) As a condition of sentencing, the court may order a defendant
10 convicted of violating this section to participate in and pay for psychological
11 counseling.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
13 effect October 1, 2002.