
By: **Delegates Boutin, Simmons, Barkley, Benson, Boschert, Bronrott, V. Clagett, Costa, Donoghue, Dumais, Elliott, Feldman, Frush, Fulton, Goldwater, Gutierrez, Hixson, Hurson, Kach, Lee, Leopold, Madaleno, Marriott, McDonough, Moe, Montgomery, Murray, Nathan-Pulliam, Oaks, O'Donnell, Owings, Redmer, Rzepkowski, Smigiel, Stern, and Stull**

Introduced and read first time: February 7, 2003
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 fowl, cock, or other bird; prohibiting a person from possessing certain
6 implements or devices relating to dogfighting or a fowl, cock, or other bird
7 fighting with another fowl, cock, or other bird; prohibiting a person from
8 possessing, owning, selling, transporting, or training a dog or a fowl, cock, or
9 other bird for certain purposes; prohibiting a person from knowingly allowing
10 certain premises to be used for certain purposes; defining certain terms;
11 providing that a court may order certain counseling under certain
12 circumstances; establishing certain penalties; and generally relating to animal
13 cruelty and dogfighting and cockfighting.

14 BY repealing and reenacting, without amendments,
15 Article - Criminal Law
16 Section 10-605
17 Annotated Code of Maryland
18 (2002 Volume)

19 BY adding to
20 Article - Criminal Law
21 Section 10-605.1
22 Annotated Code of Maryland
23 (2002 Volume)

24 BY repealing and reenacting, with amendments,
25 Article - Criminal Law
26 Section 10-607 and 10-608

1 Annotated Code of Maryland
2 (2002 Volume)

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 FOWL, COCK, OR OTHER BIRD.

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:

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

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

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

14 10-608.

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

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

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

22 (2) "IMPLEMENT OF COCKFIGHTING" INCLUDES:

23 (I) A GAFF;

24 (II) A SLASHER;

25 (III) A POSTIZA;

26 (IV) A SPARRING MUFF; AND

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

29 (B) A person may not:

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

32 (2) POSSESS AN IMPLEMENT OF COCKFIGHTING;

1 (3) ARRANGE OR CONDUCT A FIGHT IN WHICH A FOWL, COCK, OR OTHER
2 BIRD FIGHTS WITH ANOTHER FOWL, COCK, OR OTHER BIRD;

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

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

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

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
15 effect October 1, 2003.