

SENATE BILL 365

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HB 624/03 - JUD

2004 Regular Session
4r1721
CF HB 24

By: **Senators Giannetti, Britt, Brochin, DeGrange, Garagiola, Grosfeld,
Jimeno, Kelley, Middleton, Schrader, Stone, and Teitelbaum**

Introduced and read first time: February 4, 2004

Assigned to: Judicial Proceedings

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, owning,
6 selling, transporting, or training a dog or a fowl, cock, or other bird for certain
7 purposes; prohibiting a person from possessing certain implements or devices
8 relating to a fowl, cock, or other bird fighting with another fowl, cock, or other
9 bird; prohibiting a person from knowingly allowing certain premises to be used
10 to conduct dogfights or fights between fowl, cocks, or other birds; prohibiting a
11 person from arranging or conducting a dogfight or a fight in which a fowl, cock,
12 or other bird fights another fowl, cock, or other bird; defining certain terms;
13 authorizing a court to order psychological counseling under certain
14 circumstances; establishing certain penalties; and generally relating to animal
15 cruelty, dogfighting, and cockfighting.

16 BY repealing and reenacting, with amendments,
17 Article - Criminal Law
18 Section 10-605, 10-607, and 10-608
19 Annotated Code of Maryland
20 (2002 Volume and 2003 Supplement)

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

23 **Article - Criminal Law**

24 10-605.

25 (a) A person may not knowingly attend a deliberately conducted dogfight as a
26 spectator.

1 (B) A PERSON MAY NOT KNOWINGLY ATTEND AS A SPECTATOR A
2 DELIBERATELY CONDUCTED EVENT THAT USES A FOWL, COCK, OR OTHER BIRD TO
3 FIGHT WITH ANOTHER FOWL, COCK, OR OTHER BIRD.

4 [(b)] (C) (1) A person who violates this section is guilty of a misdemeanor
5 and on conviction is subject to imprisonment not exceeding 90 days or a fine not
6 exceeding \$1,000 or both.

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

10 10-607.

11 (a) A person may not:

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

13 (2) arrange or conduct a dogfight;

14 (3) POSSESS, OWN, SELL, TRANSPORT, OR TRAIN A DOG FOR THE
15 PURPOSE OF BEING USED IN A DOGFIGHT; OR

16 (4) KNOWINGLY ALLOW PREMISES UNDER THE PERSON'S OWNERSHIP,
17 CHARGE, OR CONTROL TO BE USED TO CONDUCT A DOGFIGHT.

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

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

24 10-608.

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

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

29 (II) FOR USE IN A DELIBERATELY CONDUCTED EVENT THAT USES A
30 FOWL, COCK, OR OTHER BIRD TO FIGHT WITH ANOTHER FOWL, COCK, OR OTHER
31 BIRD.

32 (2) "IMPLEMENT OF COCKFIGHTING" INCLUDES:

33 (I) A GAFF;

34 (II) A SLASHER;

1 (III) A POSTIZA;

2 (IV) A SPARRING MUFF; AND

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

5 (B) A person may not:

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

8 (2) POSSESS AN IMPLEMENT OF COCKFIGHTING;

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

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

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

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
23 effect October 1, 2004.