

---

By: **Delegates Menes, Anderson, Barkley, Benson, Bronrott, Cane,  
V. Clagett, Conroy, Cryor, D. Davis, Dumais, Feldman, Frush, Gutierrez,  
Holmes, Hubbard, Lawton, Lee, Love, Madaleno, Mandel, Mayer,  
McComas, McDonough, Moe, Montgomery, Parker, Quinter, Ross,  
Shewell, Stern, Taylor, and F. Turner**

Introduced and read first time: February 6, 2006

Assigned to: Judiciary

---

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Prohibition Against Wild Animals**

3 FOR the purpose of expanding the list of animals that a person is prohibited from  
4 importing into the State, offering for sale, trading, bartering, or exchanging;  
5 prohibiting the possession or breeding of certain animals; expanding the list of  
6 exceptions to the prohibition on importing into the State, offering for sale,  
7 trading, bartering, possessing, breeding, or exchanging certain animals;  
8 providing for the enforcement of the prohibition by certain entities; authorizing  
9 the seizure of certain animals under certain circumstances; establishing  
10 procedures relating to the seizure of certain animals, including provisions for  
11 notice, hearings, costs, and the return of the animal under certain  
12 circumstances; providing for the disposition of certain animals under certain  
13 circumstances; establishing certain procedures when the owner of a certain  
14 animal dies under certain circumstances; and generally relating to wild  
15 animals.

16 BY repealing and reenacting, with amendments,  
17 Article - Criminal Law  
18 Section 10-621  
19 Annotated Code of Maryland  
20 (2002 Volume and 2005 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 10-621.

25 (a) (1) This section does not apply to [a person who:

1 (i) offers the species listed in subsection (b) of this section for sale,  
2 trade, barter, import, or exchange to a public zoo, park, museum, or educational  
3 institution; or

4 (ii) holds a valid State or federal permit to use the species listed in  
5 subsection (b) of this section for educational, medical, scientific, or exhibition  
6 purposes.

7 (2) This section does not apply to an animal of a species of wildlife not  
8 kept as a household pet that is individually exempted from this section under a  
9 permit issued by the Department of Natural Resources]:

10 (I) A RESEARCH FACILITY OR FEDERAL RESEARCH FACILITY  
11 LICENSED UNDER THE FEDERAL ANIMAL WELFARE ACT;

12 (II) AN EXHIBITOR LICENSED UNDER THE FEDERAL ANIMAL  
13 WELFARE ACT THAT DISPLAYS THE ANIMALS SPECIFIED IN SUBSECTION (B) OF THIS  
14 SECTION IN A PUBLIC SETTING AS THE EXHIBITOR'S PRIMARY FUNCTION;

15 (III) A PERSON WHO POSSESSES A VALID LICENSE OR PERMIT  
16 ISSUED BY THE DEPARTMENT OF NATURAL RESOURCES TO IMPORT, SELL, TRADE,  
17 BARTER, POSSESS, BREED, OR EXCHANGE AN ANIMAL SPECIFIED IN SUBSECTION (B)  
18 OF THIS SECTION;

19 (IV) AN ANIMAL SANCTUARY THAT:

20 1. IS A NONPROFIT ORGANIZATION QUALIFIED UNDER §  
21 501(C)(3) OF THE INTERNAL REVENUE CODE;

22 2. OPERATES A PLACE OF REFUGE FOR ABUSED,  
23 NEGLECTED, IMPOUNDED, ABANDONED, ORPHANED, OR DISPLACED WILDLIFE;

24 3. DOES NOT CONDUCT COMMERCIAL ACTIVITY WITH  
25 RESPECT TO ANY ANIMAL OF WHICH THE ORGANIZATION IS AN OWNER; AND

26 4. DOES NOT BUY, SELL, TRADE, LEASE, OR BREED ANY  
27 ANIMAL EXCEPT AS AN INTEGRAL PART OF THE SPECIES SURVIVAL PLAN OF THE  
28 AMERICAN ZOO AND AQUARIUM ASSOCIATION;

29 (V) AN ANIMAL CONTROL OFFICER UNDER THE JURISDICTION OF  
30 THE STATE OR A LOCAL GOVERNING AUTHORITY, A LAW ENFORCEMENT OFFICER  
31 ACTING UNDER THE AUTHORITY OF THIS SUBTITLE, OR A PRIVATE CONTRACTOR OF  
32 A COUNTY OR MUNICIPAL CORPORATION THAT IS RESPONSIBLE FOR ANIMAL  
33 CONTROL OPERATIONS;

34 (VI) A PERSON WHO HOLDS A VALID LICENSE TO PRACTICE  
35 VETERINARY MEDICINE IN THE STATE AND TREATS THE ANIMAL SPECIFIED IN  
36 SUBSECTION (B) OF THIS SECTION IN ACCORDANCE WITH CUSTOMARY AND NORMAL  
37 VETERINARY PRACTICES; AND

1 (VII) A PERSON WHO IS NOT A RESIDENT OF THE STATE AND IS IN  
2 THE STATE FOR 10 DAYS OR LESS FOR THE PURPOSE OF TRAVELING BETWEEN  
3 LOCATIONS OUTSIDE OF THE STATE.

4 (2) (I) THIS SECTION DOES NOT PROHIBIT A PERSON WHO HAD  
5 LAWFUL POSSESSION OF AN ANIMAL SPECIFIED IN SUBSECTION (B) OF THIS  
6 SECTION ON OR BEFORE MAY 31, 2006, FROM CONTINUING TO POSSESS THAT ANIMAL  
7 IF THE PERSON PROVIDES WRITTEN NOTIFICATION TO THE LOCAL ANIMAL CONTROL  
8 AUTHORITY ON OR BEFORE AUGUST 1, 2006.

9 (II) THE NOTIFICATION SHALL INCLUDE:

10 1. THE PERSON'S NAME, ADDRESS, AND TELEPHONE  
11 NUMBER;

12 2. THE NUMBER AND TYPE OF ANIMALS BEING KEPT; AND

13 3. A PHOTOGRAPH OF THE ANIMAL OR A DESCRIPTION OF A  
14 TATTOO OR MICROCHIP IDENTIFICATION OF THE ANIMAL.

15 (3) THIS SECTION DOES NOT PROHIBIT A PERSON WHO IS PARALYZED  
16 FROM THE NECK DOWN FROM POSSESSING AN ANIMAL SPECIFIED IN SUBSECTION  
17 (B) OF THIS SECTION IF THAT ANIMAL IS:

18 (I) TRAINED TO PERFORM TASKS FOR THE OWNER BY AN  
19 ORGANIZATION DESCRIBED IN SECTION 501(C) OF THE INTERNAL REVENUE CODE;  
20 AND

21 (II) DEDICATED TO IMPROVING THE QUALITY OF LIFE OF A PERSON  
22 PARALYZED FROM THE NECK DOWN.

23 (b) A person may not import into the State, offer for sale, trade, barter,  
24 POSSESS, BREED, or exchange [as a household pet] a live:

25 (1) fox, skunk, raccoon, or bear;

26 (2) CAIMAN, FALSE CAIMAN, alligator, or crocodile;

27 (3) member of the cat family other than the domestic cat OR A HYBRID OF  
28 A MEMBER OF THE CAT FAMILY AND A DOMESTIC CAT IF THE HYBRID WEIGHS OVER  
29 30 POUNDS; [or]

30 (4) MEMBER OF THE DOG FAMILY OTHER THAN THE DOMESTIC DOG OR  
31 A HYBRID OF A MEMBER OF THE DOG FAMILY AND A DOMESTIC DOG;

32 (5) NONHUMAN PRIMATE, INCLUDING A LEMUR, MONKEY, CHIMPANZEE,  
33 GORILLA, ORANGUTAN, MARMOSET, LORIS, OR TAMARIN; OR

34 [(4)] (6) poisonous snake in the family groups of Hydrophidae, Elapidae,  
35 Viperidae, or Crotolidae.

1 (c) (1) A person who violates this section is guilty of a misdemeanor and on  
2 conviction is subject to:

3 [(1)] (I) if an individual, a fine not exceeding \$1,000; or

4 [(2)] (II) if not an individual, a fine not exceeding \$10,000.

5 (2) THE PROVISIONS OF THIS SECTION MAY BE ENFORCED BY:

6 (I) ANY STATE OR LOCAL LAW ENFORCEMENT OFFICER; OR

7 (II) THE LOCAL ANIMAL CONTROL AUTHORITY FOR THE  
8 JURISDICTION WHERE THE VIOLATION OCCURS.

9 (D) (1) AN ANIMAL SPECIFIED IN SUBSECTION (B) OF THIS SECTION MAY BE  
10 IMMEDIATELY SEIZED IF:

11 (I) THERE IS PROBABLE CAUSE TO BELIEVE THAT THE  
12 POSSESSION OF THE ANIMAL IS IN VIOLATION OF THIS SECTION; OR

13 (II) THE ANIMAL POSES A RISK TO PUBLIC HEALTH OR PUBLIC  
14 SAFETY.

15 (2) AN ANIMAL SPECIFIED IN SUBSECTION (B) OF THIS SECTION THAT IS  
16 SEIZED MAY BE RETURNED TO THE PERSON WHO HAD POSSESSION OF THE ANIMAL  
17 AT THE TIME THE ANIMAL WAS SEIZED ONLY IF IT IS ESTABLISHED THAT:

18 (I) POSSESSION OF THE ANIMAL BY THE PERSON IS NOT A  
19 VIOLATION OF THIS SECTION; AND

20 (II) THE RETURN OF THE ANIMAL DOES NOT POSE A RISK TO  
21 PUBLIC HEALTH OR PUBLIC SAFETY.

22 (3) (I) NOTICE THAT THE ANIMAL WAS SEIZED SHALL BE SERVED ON  
23 THE PERSON WHO HAD POSSESSION OF THE ANIMAL AT THE TIME THE ANIMAL WAS  
24 SEIZED BY:

25 1. POSTING A COPY OF THE NOTICE AT THE PLACE WHERE  
26 THE ANIMAL WAS SEIZED;

27 2. REGULAR AND CERTIFIED MAIL, RETURN RECEIPT  
28 REQUESTED; OR

29 3. DELIVERING THE NOTICE TO A PERSON RESIDING ON THE  
30 PROPERTY FROM WHICH THE ANIMAL WAS SEIZED.

31 (II) THE NOTICE SHALL INCLUDE:

32 1. A DESCRIPTION OF THE ANIMAL SEIZED;

33 2. THE AUTHORITY FOR AND THE PURPOSE OF THE SEIZURE;



1           (7)    (I)    UNLESS THE COURT FINDS THAT THE SEIZURE OF THE ANIMAL  
2 WAS NOT JUSTIFIED BY LAW, A PERSON FROM WHOM THE ANIMAL SPECIFIED IN  
3 SUBSECTION (B) OF THIS SECTION IS SEIZED IS LIABLE FOR ALL ACTUAL COSTS OF  
4 CARE, KEEPING, AND DISPOSAL OF THE ANIMAL.

5                   (II)   THE COSTS REQUIRED UNDER THIS PARAGRAPH SHALL BE  
6 PAID IN FULL UNLESS A MUTUALLY SATISFACTORY AGREEMENT IS MADE BETWEEN  
7 THE LOCAL ANIMAL CONTROL AUTHORITY AND THE PERSON CLAIMING AN  
8 INTEREST IN THE ANIMAL.

9           (8)    (I)    IF THERE IS NO REQUEST FOR A HEARING WITHIN 10 DAYS OF  
10 THE NOTICE OR IF THE COURT ORDERS A PERMANENT AND FINAL DISPOSITION OF  
11 THE ANIMAL, THE LOCAL ANIMAL CONTROL AUTHORITY MAY TAKE STEPS TO FIND  
12 LONG-TERM PLACEMENT OF THE ANIMAL WITH ANOTHER APPROPRIATE FACILITY  
13 THAT IS EQUIPPED FOR THE CONTINUED CARE OF THE PARTICULAR SPECIES OF THE  
14 ANIMAL.

15                   (II)   IF THERE IS NO ENTITY THAT IS SUITABLE FOR THE CARE OF  
16 THE ANIMAL, THE ANIMAL MAY BE EUTHANIZED.

17    (E)    THIS SECTION DOES NOT LIMIT A COUNTY OR MUNICIPALITY FROM  
18 ENACTING LAWS OR ADOPTING REGULATIONS THAT ARE MORE RESTRICTIVE  
19 PERTAINING TO ANY POTENTIALLY DANGEROUS ANIMALS, INCLUDING THOSE  
20 SPECIFIED IN SUBSECTION (B) OF THIS SECTION.

21    (F)    IF THE OWNER OF AN ANIMAL SPECIFIED IN SUBSECTION (B) OF THIS  
22 SECTION DIES WITHOUT MAKING ARRANGEMENTS FOR THE TRANSFER OF CUSTODY  
23 OF THE ANIMAL TO ANOTHER PERSON, THE ANIMAL MAY BE TURNED OVER TO ONE  
24 OF THE ORGANIZATIONS SPECIFIED IN SUBSECTION (A)(1) OF THIS SECTION OR  
25 EUTHANIZED IF NO SUITABLE LOCATION CAN BE FOUND IN A REASONABLE AMOUNT  
26 OF TIME.

27    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2006.