
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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2006

CHAPTER _____

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:

1 **Article - Criminal Law**

2 10-621.

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

4 (i) offers the species listed in subsection (b) of this section for sale,
5 trade, barter, import, or exchange to a public zoo, park, museum, or educational
6 institution; or7 (ii) holds a valid State or federal permit to use the species listed in
8 subsection (b) of this section for educational, medical, scientific, or exhibition
9 purposes.10 (2) This section does not apply to an animal of a species of wildlife not
11 kept as a household pet that is individually exempted from this section under a
12 permit issued by the Department of Natural Resources]:13 (I) A RESEARCH FACILITY OR FEDERAL RESEARCH FACILITY
14 LICENSED UNDER THE FEDERAL ANIMAL WELFARE ACT;15 (II) AN EXHIBITOR LICENSED UNDER THE FEDERAL ANIMAL
16 WELFARE ACT THAT DISPLAYS THE ANIMALS SPECIFIED IN SUBSECTION (B) OF THIS
17 SECTION IN A PUBLIC SETTING AS THE EXHIBITOR'S PRIMARY FUNCTION;18 (III) A PERSON WHO POSSESSES A VALID LICENSE OR PERMIT
19 ISSUED BY THE DEPARTMENT OF NATURAL RESOURCES TO IMPORT, SELL, TRADE,
20 BARTER, POSSESS, BREED, OR EXCHANGE AN ANIMAL SPECIFIED IN SUBSECTION (B)
21 OF THIS SECTION;

22 (IV) AN ANIMAL SANCTUARY THAT:

23 1. IS A NONPROFIT ORGANIZATION QUALIFIED UNDER §
24 501(C)(3) OF THE INTERNAL REVENUE CODE;25 2. OPERATES A PLACE OF REFUGE FOR ABUSED,
26 NEGLECTED, IMPOUNDED, ABANDONED, ORPHANED, OR DISPLACED WILDLIFE;27 3. DOES NOT CONDUCT COMMERCIAL ACTIVITY WITH
28 RESPECT TO ANY ANIMAL OF WHICH THE ORGANIZATION IS AN OWNER; AND29 4. DOES NOT BUY, SELL, TRADE, LEASE, OR BREED ANY
30 ANIMAL EXCEPT AS AN INTEGRAL PART OF THE SPECIES SURVIVAL PLAN OF THE
31 AMERICAN ZOO AND AQUARIUM ASSOCIATION;32 (V) AN ANIMAL CONTROL OFFICER UNDER THE JURISDICTION OF
33 THE STATE OR A LOCAL GOVERNING AUTHORITY, A LAW ENFORCEMENT OFFICER
34 ACTING UNDER THE AUTHORITY OF THIS SUBTITLE, OR A PRIVATE CONTRACTOR OF
35 A COUNTY OR MUNICIPAL CORPORATION THAT IS RESPONSIBLE FOR ANIMAL
36 CONTROL OPERATIONS;

1 (VI) A PERSON WHO HOLDS A VALID LICENSE TO PRACTICE
2 VETERINARY MEDICINE IN THE STATE AND TREATS THE ANIMAL SPECIFIED IN
3 SUBSECTION (B) OF THIS SECTION IN ACCORDANCE WITH CUSTOMARY AND NORMAL
4 VETERINARY PRACTICES; AND

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

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

13 (II) THE NOTIFICATION SHALL INCLUDE:

14 1. THE PERSON'S NAME, ADDRESS, AND TELEPHONE
15 NUMBER;

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

17 3. A PHOTOGRAPH OF THE ANIMAL OR A DESCRIPTION OF A
18 TATTOO OR MICROCHIP IDENTIFICATION OF THE ANIMAL.

19 (3) THIS SECTION DOES NOT PROHIBIT A PERSON WHO ~~IS PARALYZED~~
20 ~~FROM THE NECK DOWN~~ HAS A DISABILITY THAT SEVERELY LIMITS MOBILITY FROM
21 POSSESSING AN ANIMAL SPECIFIED IN SUBSECTION (B) OF THIS SECTION IF THAT
22 ANIMAL IS:

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

26 (II) DEDICATED TO IMPROVING THE QUALITY OF LIFE OF A PERSON
27 ~~PARALYZED FROM THE NECK DOWN~~ WHO HAS A DISABILITY THAT SEVERELY LIMITS
28 MOBILITY.

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

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

32 (2) CAIMAN, ~~FALSE CAIMAN~~, alligator, or crocodile;

33 (3) member of the cat family other than the domestic cat OR A HYBRID OF
34 A MEMBER OF THE CAT FAMILY AND A DOMESTIC CAT IF THE HYBRID WEIGHS OVER
35 30 POUNDS; [or]

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

3 (5) NONHUMAN PRIMATE, INCLUDING A LEMUR, MONKEY, CHIMPANZEE,
4 GORILLA, ORANGUTAN, MARMOSSET, LORIS, OR TAMARIN; OR

5 [(4)] (6) poisonous snake in the family groups of Hydrophidae, Elapidae,
6 Viperidae, or Crotolidae.

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

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

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

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

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

13 (II) THE LOCAL ANIMAL CONTROL AUTHORITY FOR THE
14 JURISDICTION WHERE THE VIOLATION OCCURS.

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

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

19 (II) THE ANIMAL POSES A RISK TO PUBLIC HEALTH OR PUBLIC
20 SAFETY.

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

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

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

28 (3) (I) NOTICE THAT THE ANIMAL WAS SEIZED SHALL BE SERVED ON
29 THE PERSON WHO HAD POSSESSION OF THE ANIMAL AT THE TIME THE ANIMAL WAS
30 SEIZED BY:

31 1. POSTING A COPY OF THE NOTICE AT THE PLACE WHERE
32 THE ANIMAL WAS SEIZED;

33 2. REGULAR AND CERTIFIED MAIL, RETURN RECEIPT
34 REQUESTED; OR

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

3 (II) THE NOTICE SHALL INCLUDE:

4 1. A DESCRIPTION OF THE ANIMAL SEIZED;

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

6 3. THE TIME, PLACE, AND CIRCUMSTANCES OF THE
7 SEIZURE;

8 4. A CONTACT PERSON AND TELEPHONE NUMBER;

9 5. A STATEMENT THAT THE PERSON FROM WHOM THE
10 ANIMAL WAS SEIZED MAY:

11 A. POST SECURITY TO PREVENT DISPOSITION OF THE
12 ANIMAL; AND

13 B. REQUEST A HEARING CONCERNING THE SEIZURE;

14 6. A STATEMENT THAT FAILURE TO POST SECURITY OR
15 REQUEST A HEARING WITHIN 10 DAYS OF THE DATE OF THE NOTICE WILL RESULT IN
16 THE DISPOSITION OF THE ANIMAL; AND

17 7. A STATEMENT THAT, UNLESS A COURT FINDS THAT THE
18 SEIZURE OF THE ANIMAL WAS NOT JUSTIFIED, THE ACTUAL COSTS OF THE CARE,
19 KEEPING, AND DISPOSAL OF THE ANIMAL ARE THE RESPONSIBILITY OF THE PERSON
20 FROM WHOM THE ANIMAL WAS SEIZED.

21 (4) (I) BEFORE A SEIZURE UNDER PARAGRAPH (1) OF THIS
22 SUBSECTION OCCURS, THE PERSON IN POSSESSION OF THE ANIMAL TO BE SEIZED
23 MAY REQUEST THAT THE ANIMAL REMAIN IN THE PERSON'S PHYSICAL CUSTODY FOR
24 30 DAYS AFTER THE DATE THE ANIMAL WAS TO BE SEIZED.

25 (II) DURING THE 30 DAYS PROVIDED IN SUBPARAGRAPH (I) OF THIS
26 PARAGRAPH, THE PERSON SHALL TAKE ALL NECESSARY ACTIONS TO COMPLY WITH
27 THIS SECTION.

28 (III) AT ANY REASONABLE TIME DURING THE 30-DAY PERIOD, THE
29 LOCAL ANIMAL CONTROL AUTHORITY MAY INSPECT THE PREMISES WHERE THE
30 ANIMAL IS BEING KEPT.

31 (5) (I) IF A PERSON WHO RETAINS POSSESSION OF AN ANIMAL UNDER
32 PARAGRAPH (4) OF THIS SUBSECTION IS NOT IN COMPLIANCE WITH THIS SECTION
33 AFTER THE 30-DAY PERIOD HAS EXPIRED, THE LOCAL ANIMAL CONTROL AUTHORITY
34 SHALL SEIZE THE ANIMAL AND PLACE IT IN A HOLDING FACILITY THAT IS
35 APPROPRIATE FOR THE SPECIES.

1 (II) THE AUTHORITY SEIZING AN ANIMAL UNDER THIS PARAGRAPH
2 SHALL PROVIDE NOTICE OF THE SEIZURE IN THE SAME MANNER AS PROVIDED IN
3 PARAGRAPH (3) OF THIS SUBSECTION.

4 (6) (I) A PERSON FROM WHOM AN ANIMAL WAS SEIZED MAY REQUEST
5 A HEARING IN THE DISTRICT COURT WITHIN 10 DAYS OF THE SEIZURE.

6 (II) A HEARING SHALL BE HELD AS SOON AS PRACTICABLE TO
7 DETERMINE THE VALIDITY OF THE SEIZURE AND THE DISPOSITION OF THE ANIMAL.

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

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

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

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

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

28 (F) IF THE OWNER OF AN ANIMAL SPECIFIED IN SUBSECTION (B) OF THIS
29 SECTION DIES WITHOUT MAKING ARRANGEMENTS FOR THE TRANSFER OF CUSTODY
30 OF THE ANIMAL TO ANOTHER PERSON, THE ANIMAL MAY BE TURNED OVER TO ONE
31 OF THE ORGANIZATIONS SPECIFIED IN SUBSECTION (A)(1) OF THIS SECTION OR
32 EUTHANIZED IF NO SUITABLE LOCATION CAN BE FOUND IN A REASONABLE AMOUNT
33 OF TIME.

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

