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By: **Delegate Haddaway**

Introduced and read first time: February 10, 2006

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Aggravated Cruelty to Animals in the Presence of a Minor**

3 FOR the purpose of establishing certain enhanced penalties for aggravated cruelty to  
4 animals in the immediate presence of a minor; establishing that a person is in  
5 the immediate presence of a minor under certain circumstances; and generally  
6 relating to aggravated cruelty to animals.

7 BY repealing and reenacting, without amendments,  
8 Article - Criminal Law  
9 Section 10-601 and 10-603  
10 Annotated Code of Maryland  
11 (2002 Volume and 2005 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article - Criminal Law  
14 Section 10-606  
15 Annotated Code of Maryland  
16 (2002 Volume and 2005 Supplement)

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

19 **Article - Criminal Law**

20 10-601.

21 (a) In this subtitle the following words have the meanings indicated.

22 (b) "Animal" means a living creature except a human being.

23 (c) (1) "Cruelty" means the unnecessary or unjustifiable physical pain or  
24 suffering caused or allowed by an act, omission, or neglect.

25 (2) "Cruelty" includes torture and torment.

1 (d) "Humane society" means a society or association incorporated in Maryland  
2 for the prevention of cruelty to animals.

3 10-603.

4 Sections 10-601 through 10-608 of this subtitle do not apply to:

5 (1) customary and normal veterinary and agricultural husbandry  
6 practices including dehorning, castration, tail docking, and limit feeding;

7 (2) research conducted in accordance with protocols approved by an  
8 animal care and use committee, as required under the federal Animal Welfare Act or  
9 the federal Health Research Extension Act;

10 (3) an activity that may cause unavoidable physical pain to an animal,  
11 including food processing, pest elimination, animal training, and hunting, if the  
12 person performing the activity uses the most humane method reasonably available; or

13 (4) normal human activities in which the infliction of pain to an animal  
14 is purely incidental and unavoidable.

15 10-606.

16 (a) A person may not:

17 (1) intentionally mutilate, torture, cruelly beat, or cruelly kill an animal;

18 (2) cause, procure, or authorize an act prohibited under item (1) of this  
19 subsection; or

20 (3) except in the case of self-defense, intentionally inflict bodily harm,  
21 permanent disability, or death on an animal owned or used by a law enforcement unit.

22 (b) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
23 A person who violates this section is guilty of the felony of aggravated cruelty to  
24 animals and on conviction is subject to imprisonment not exceeding 3 years or a fine  
25 not exceeding \$5,000 or both.

26 (2) (I) A PERSON WHO VIOLATES THIS SECTION IN THE IMMEDIATE  
27 PRESENCE OF A MINOR IS GUILTY OF THE FELONY OF AGGRAVATED CRUELTY TO  
28 ANIMALS AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5  
29 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

30 (II) FOR PURPOSES OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, A  
31 PERSON IS IN THE IMMEDIATE PRESENCE OF A MINOR IF THE MINOR SEES OR  
32 DIRECTLY PERCEIVES THE VIOLATION IN ANY MANNER.

33 [(2)] (3) As a condition of sentencing, the court may order a defendant  
34 convicted of violating this section to participate in and pay for psychological  
35 counseling.

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