

HOUSE BILL 1376

D4, E1

71r3068

By: **Delegates McComas, Bartlett, Benson, Carter, Dumais, Eckardt, Elliott, Glenn, Haddaway, Hecht, Kach, Kirk, Montgomery, Nathan-Pulliam, Pena-Melnyk, Robinson, and Shewell**

Introduced and read first time: March 5, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Violence – Cruelty Toward an Abused Spouse’s Pet**

3 FOR the purpose of authorizing a court, in a certain interim protective order,
4 temporary protective order, or final protective order, to order a respondent to
5 remain away from a certain pet or to refrain from cruelty or aggravated cruelty
6 toward the pet; altering a certain definition of “stalking” to include a malicious
7 course of conduct that puts another person in reasonable fear that a certain pet
8 likely will suffer cruelty or aggravated cruelty; making clarifying changes; and
9 generally relating to domestic violence and stalking and cruelty toward a pet.

10 BY repealing and reenacting, with amendments,

11 Article – Family Law

12 Section 4–504.1(c)(7) and (8), 4–505(a)(2)(vi) and (vii), and 4–506(d)(12) and (13)

13 Annotated Code of Maryland

14 (2006 Replacement Volume)

15 BY adding to

16 Article – Family Law

17 Section 4–504.1(c)(9), 4–505(a)(2)(viii), and 4–506(d)(14)

18 Annotated Code of Maryland

19 (2006 Replacement Volume)

20 BY repealing and reenacting, without amendments,

21 Article – Courts and Judicial Proceedings

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 11–110(a)(1) and (3)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–802
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–601(a), (b), and (c), 10–604(a), and 10–606(a)
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

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

Article – Family Law

4–504.1.

(c) An interim protective order may:

(7) order the respondent to remain away from the place of
employment, school, or temporary residence of a person eligible for relief; [or]

(8) order the respondent to remain away from the residence of any
family member of a person eligible for relief; **OR**

**(9) IF THE PERSON ELIGIBLE FOR RELIEF OR A FAMILY MEMBER
OF THE PERSON ELIGIBLE FOR RELIEF HAS A PET, AS DEFINED IN § 11–110 OF
THE COURTS ARTICLE, ORDER THE RESPONDENT TO:**

(I) REMAIN AWAY FROM THE PET; OR

**(II) REFRAIN FROM CRUELTY OR AGGRAVATED CRUELTY
TOWARD THE PET AS PROHIBITED UNDER § 10–604(A) OR § 10–606(A) OF THE
CRIMINAL LAW ARTICLE.**

4–505.

1 (a) (2) The temporary protective order may order any or all of the
2 following relief:

3 (vi) order the respondent to remain away from a child care
4 provider of a person eligible for relief while a child of the person is in the care of the
5 child care provider; [and]

6 (vii) award temporary custody of a minor child of the person
7 eligible for relief and the respondent; **AND**

8 **(VIII) IF THE PERSON ELIGIBLE FOR RELIEF OR A FAMILY**
9 **MEMBER OF THE PERSON ELIGIBLE FOR RELIEF HAS A PET, AS DEFINED IN §**
10 **11-110 OF THE COURTS ARTICLE, ORDER THE RESPONDENT TO:**

11 **1. REMAIN AWAY FROM THE PET; OR**

12 **2. REFRAIN FROM CRUELTY OR AGGRAVATED**
13 **CRUELTY TOWARD THE PET AS PROHIBITED UNDER § 10-604(A) OR § 10-606(A)**
14 **OF THE CRIMINAL LAW ARTICLE.**

15 4-506.

16 (d) The final protective order may include any or all of the following relief:

17 (12) order the respondent to surrender to law enforcement authorities
18 any firearm in the respondent's possession for the duration of the protective order; [or]

19 (13) order the respondent to pay filing fees and costs of a proceeding
20 under this subtitle; **OR**

21 **(14) IF THE PERSON ELIGIBLE FOR RELIEF OR A FAMILY MEMBER**
22 **OF THE PERSON ELIGIBLE FOR RELIEF HAS A PET, AS DEFINED IN § 11-110 OF**
23 **THE COURTS ARTICLE, ORDER THE RESPONDENT TO:**

24 **(I) REMAIN AWAY FROM THE PET; OR**

25 **(II) REFRAIN FROM CRUELTY OR AGGRAVATED CRUELTY**
26 **TOWARD THE PET AS PROHIBITED UNDER § 10-604(A) OR § 10-606(A) OF THE**
27 **CRIMINAL LAW ARTICLE.**

Article – Courts and Judicial Proceedings

11–110.

(a) (1) In this section the following words have the meanings indicated.

(3) (i) “Pet” means a domesticated animal.

(ii) “Pet” does not include livestock.

Article – Criminal Law

3–802.

(a) In this section, “stalking” means a malicious course of conduct that includes approaching or pursuing another **PERSON** where the person intends to place or knows or reasonably should have known the conduct would place [another] **THE OTHER PERSON** in reasonable fear:

(1) (i) of serious bodily injury;

(ii) of an assault in any degree;

(iii) of rape or sexual offense as defined by §§ 3–303 through 3–308 of this article or attempted rape or sexual offense in any degree;

(iv) of false imprisonment; or

(v) of death; [or]

(2) that a third person likely will suffer any of the acts listed in item (1) of this subsection; **OR**

(3) THAT A PET, AS DEFINED IN § 11–110 OF THE COURTS ARTICLE, OF THE OTHER PERSON OR A THIRD PERSON LIKELY WILL SUFFER CRUELTY OR AGGRAVATED CRUELTY AS PROHIBITED UNDER § 10–604(A) OR § 10–606(A) OF THIS ARTICLE.

(b) The provisions of this section do not apply to conduct that is:

(1) performed to ensure compliance with a court order;

(2) performed to carry out a specific lawful commercial purpose; or

(3) authorized, required, or protected by local, State, or federal law.

(c) A person may not engage in stalking.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

(e) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any other crime based on the acts establishing a violation of this section.

10-601.

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

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

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

(2) "Cruelty" includes torture and torment.

10-604.

(a) A person may not:

(1) overdrive or overload an animal;

(2) deprive an animal of necessary sustenance;

(3) inflict unnecessary suffering or pain on an animal;

(4) cause, procure, or authorize an act prohibited under item (1), (2), or (3) of this subsection; or

(5) if the person has charge or custody of an animal, as owner or otherwise, unnecessarily fail to provide the animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter, or protection from the weather.

1 10-606.

2 (a) A person may not:

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

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

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2007.