

HOUSE BILL 378

E1

8lr1352

By: **Delegates Kipke, Ali, Bromwell, Costa, DeBoy, Eckardt, Frank, Frush, Gaines, George, Guzzone, Haddaway, Hubbard, King, Krebs, Kullen, Love, Manno, McComas, McDonough, Montgomery, Murphy, Shewell, Smigiel, and Sossi**

Introduced and read first time: January 25, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Abuse or Neglect of Animals and Aggravated Cruelty to**
3 **Animals – Increased Penalties**

4 FOR the purpose of altering the penalties for abuse or neglect of animals and
5 aggravated cruelty to animals; requiring a court to order a person convicted of
6 abuse or neglect of animals or aggravated cruelty to animals to participate in
7 and pay for psychological counseling; prohibiting a court from suspending any
8 part of a certain mandatory minimum sentence; and generally relating to abuse
9 or neglect of animals and aggravated cruelty to animals.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 10–604 and 10–606
13 Annotated Code of Maryland
14 (2002 Volume and 2007 Supplement)

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

17 **Article – Criminal Law**

18 10–604.

19 (a) A person may not:

20 (1) overdrive or overload an animal;

21 (2) deprive an animal of necessary sustenance;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

8 (b) (1) A person who violates this section is guilty of a misdemeanor and
9 on conviction is subject to imprisonment not exceeding [90] **180** days or a fine not
10 exceeding [\$1,000] **\$2,000** or both.

11 (2) As a condition of sentencing, the court [may] **SHALL** order a
12 defendant convicted of violating this section to participate in and pay for psychological
13 counseling.

14 10–606.

15 (a) A person may not:

16 (1) intentionally mutilate, torture, cruelly beat, or cruelly kill an
17 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 person who violates this section is guilty of the felony of
23 aggravated cruelty to animals and on conviction is subject to imprisonment **FOR NOT**
24 **LESS THAN 1 YEAR AND** not exceeding [3] **5** years or a fine not exceeding [\$5,000]
25 **\$10,000** or both.

26 (2) **A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY**
27 **MINIMUM SENTENCE OF 1 YEAR.**

28 [(2)] (3) As a condition of sentencing, the court [may] **SHALL** order a
29 defendant convicted of violating this section to participate in and pay for psychological
30 counseling.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2008.