

SENATE BILL 615

E1, D4

8lr1780
CF HB 1257

By: **Senators Raskin, Forehand, and Stone**
Introduced and read first time: February 1, 2008
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 20, 2008

CHAPTER _____

1 AN ACT concerning

2 **~~Stalking and Domestic Violence - Cruelty Toward a Pet or Service Animal~~**

3 FOR the purpose of ~~altering a certain definition of "stalking" to include a malicious~~
4 ~~course of conduct that puts another person in reasonable fear that a certain pet~~
5 ~~or service animal likely will suffer cruelty or aggravated cruelty;~~ authorizing a
6 District Court Commissioner, in a certain interim protective order, and a judge
7 in a temporary protective order or final protective order, to order a respondent
8 to remain away from a certain pet or service animal, to refrain from cruelty or
9 aggravated cruelty toward the pet or service animal, or in certain
10 circumstances, to give the pet or service animal to a certain person; providing
11 certain penalties for failure to comply with certain relief ordered in a certain
12 interim protective order, temporary protective order, or final protective order;
13 ~~amending a certain definition;~~ defining certain terms; and generally relating to
14 ~~stalking and~~ domestic violence and cruelty toward a pet or service animal.

15 ~~BY repealing and reenacting, with amendments,~~
16 ~~Article - Criminal Law~~
17 ~~Section 3-802~~
18 ~~Annotated Code of Maryland~~
19 ~~(2002 Volume and 2007 Supplement)~~

20 BY repealing and reenacting, without amendments,
21 Article - Criminal Law
22 Section 10-601(a), (b), and (c), 10-604(a), and 10-606(a)
23 Annotated Code of Maryland
24 (2002 Volume and 2007 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, without amendments,
 2 Article – Family Law
 3 Section 4–501(a) and (l)
 4 Annotated Code of Maryland
 5 (2006 Replacement Volume and 2007 Supplement)

6 BY repealing and reenacting, with amendments,
 7 Article – Family Law
 8 Section 4–501(m), (n), (o), (p), (q), and (r), 4–504.1(c)(7) and (8), 4–505(a)(2)(vi)
 9 and (vii), 4–506(d)(12) and (13), and 4–509(a)
 10 Annotated Code of Maryland
 11 (2006 Replacement Volume and 2007 Supplement)

12 BY adding to
 13 Article – Family Law
 14 Section 4–501(m) and (q), 4–504.1(c)(9), 4–505(a)(2)(viii), and 4–506(d)(14)
 15 Annotated Code of Maryland
 16 (2006 Replacement Volume and 2007 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 ~~§ 802.~~

21 ~~(a) (1) In this section[, “stalking”] THE FOLLOWING WORDS HAVE THE~~
 22 ~~MEANINGS INDICATED.~~

23 ~~(2) (I) “PET” MEANS A DOMESTICATED ANIMAL.~~

24 ~~(II) “PET” DOES NOT INCLUDE LIVESTOCK.~~

25 ~~(3) “SERVICE ANIMAL” MEANS A GUIDE DOG, SIGNAL DOG, OR~~
 26 ~~OTHER ANIMAL INDIVIDUALLY TRAINED TO DO WORK OR PERFORM TASKS FOR~~
 27 ~~THE BENEFIT OF AN INDIVIDUAL WITH A DISABILITY, INCLUDING:~~

28 ~~(I) GUIDING INDIVIDUALS WITH IMPAIRED VISION;~~

29 ~~(II) ALERTING INDIVIDUALS WITH IMPAIRED HEARING TO~~
 30 ~~AN INTRUDER OR SOUNDS;~~

31 ~~(III) PROVIDING MINIMAL PROTECTION OR RESCUE WORK;~~

32 ~~(IV) PULLING A WHEELCHAIR; OR~~

1 ~~(V) FETCHING DROPPED ITEMS.~~

2 ~~(4) "STALKING" means a malicious course of conduct that includes~~
 3 ~~approaching or pursuing another where the person intends to place or knows or~~
 4 ~~reasonably should have known the conduct would place another in reasonable fear.~~

5 ~~[(1)] (i) 1. of serious bodily injury;~~

6 ~~[(ii)] 2. of an assault in any degree;~~

7 ~~[(iii)] 3. of rape or sexual offense as defined by §§ 3-303~~
 8 ~~through 3-308 of this article or attempted rape or sexual offense in any degree;~~

9 ~~[(iv)] 4. of false imprisonment; or~~

10 ~~[(v)] 5. of death; [or]~~

11 ~~[(2)] (H) that a third person likely will suffer any of the acts listed in~~
 12 ~~item [(1)] (I) of this [subsection] PARAGRAPH; OR~~

13 ~~(HH) THAT A PET OR A SERVICE ANIMAL OF THE OTHER OR A~~
 14 ~~THIRD PERSON LIKELY WILL SUFFER CRUELTY OR AGGRAVATED CRUELTY AS~~
 15 ~~PROHIBITED UNDER § 10-604(A) OR § 10-606(A) OF THIS ARTICLE.~~

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

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

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

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

20 (c) ~~A person may not engage in stalking.~~

21 (d) ~~A person who violates this section is guilty of a misdemeanor and on~~
 22 ~~conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding~~
 23 ~~\$5,000 or both.~~

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

27 10-601.

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

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

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

3 (2) “Cruelty” includes torture and torment.

4 10–604.

5 (a) A person may not:

6 (1) overdrive or overload an animal;

7 (2) deprive an animal of necessary sustenance;

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

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

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

15 10–606.

16 (a) A person may not:

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

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

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

23 **Article – Family Law**

24 4–501.

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

26 (1) “Person eligible for relief” includes:

27 (1) the current or former spouse of the respondent;

28 (2) a cohabitant of the respondent;

1 (3) a person related to the respondent by blood, marriage, or adoption;

2 (4) a parent, stepparent, child, or stepchild of the respondent or the
 3 person eligible for relief who resides or resided with the respondent or person eligible
 4 for relief for at least 90 days within 1 year before the filing of the petition;

5 (5) a vulnerable adult; or

6 (6) an individual who has a child in common with the respondent.

7 **(M) (1) “PET” MEANS A DOMESTICATED ANIMAL.**

8 **(2) “PET” DOES NOT INCLUDE LIVESTOCK.**

9 **[(m)] (N) (1) “Petitioner” means an individual who files a petition.**

10 **(2) “Petitioner” includes:**

11 (i) a person eligible for relief; or

12 (ii) the following persons who may seek relief from abuse on
 13 behalf of a minor or vulnerable adult:

14 1. the State’s Attorney for the county where the child or
 15 vulnerable adult lives, or, if different, where the abuse is alleged to have taken place;

16 2. the department of social services that has jurisdiction
 17 in the county where the child or vulnerable adult lives, or, if different, where the abuse
 18 is alleged to have taken place;

19 3. a person related to the child or vulnerable adult by
 20 blood, marriage, or adoption; or

21 4. an adult who resides in the home.

22 **[(n)] (O) “Residence” includes the yard, grounds, outbuildings, and common
 23 areas surrounding the residence.**

24 **[(o)] (P) “Respondent” means the person alleged in the petition to have
 25 committed the abuse.**

26 **(Q) “SERVICE ANIMAL” MEANS A GUIDE DOG, SIGNAL DOG, OR OTHER
 27 ANIMAL INDIVIDUALLY TRAINED TO DO WORK OR PERFORM TASKS FOR THE
 28 BENEFIT OF AN INDIVIDUAL WITH A DISABILITY, INCLUDING:**

29 **(1) GUIDING INDIVIDUALS WITH IMPAIRED VISION;**

1 **(2) ALERTING INDIVIDUALS WITH IMPAIRED HEARING TO AN**
2 **INTRUDER OR SOUNDS;**

3 **(3) PROVIDING MINIMAL PROTECTION OR RESCUE WORK;**

4 **(4) PULLING A WHEELCHAIR; OR**

5 **(5) FETCHING DROPPED ITEMS.**

6 **[(p)] (R)** “Temporary protective order” means a protective order issued
7 under § 4–505 of this subtitle.

8 **[(q)] (S)** “Victim” includes a person eligible for relief.

9 **[(r)] (T)** “Vulnerable adult” has the meaning provided in § 14–101(q) of this
10 article.

11 4–504.1.

12 (c) An interim protective order may:

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

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

17 **(9) IF THE PERSON ELIGIBLE FOR RELIEF OR A FAMILY MEMBER**
18 **OF THE PERSON ELIGIBLE FOR RELIEF HAS A PET OR A SERVICE ANIMAL OR THE**
19 **RESPONDENT HAS POSSESSION OF A PET OR SERVICE ANIMAL, ORDER THE**
20 **RESPONDENT TO:**

21 **(I) REMAIN AWAY FROM THE PET OR SERVICE ANIMAL;**

22 **(II) REFRAIN FROM CRUELTY OR AGGRAVATED CRUELTY**
23 **TOWARD THE PET OR SERVICE ANIMAL AS PROHIBITED UNDER § 10–604(A) OR §**
24 **10–606(A) OF THE CRIMINAL LAW ARTICLE; OR**

25 **(III) IF THE RESPONDENT HAS POSSESSION OF THE PET OR**
26 **SERVICE ANIMAL, GIVE THE PET OR SERVICE ANIMAL TO THE PERSON ELIGIBLE**
27 **FOR RELIEF, TO A FAMILY MEMBER OF THE PERSON ELIGIBLE FOR RELIEF, OR**
28 **TO A SUITABLE THIRD PARTY.**

29 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 OR SERVICE ANIMAL
 10 OR THE RESPONDENT HAS POSSESSION OF A PET OR SERVICE ANIMAL, ORDER
 11 THE RESPONDENT TO:

12 1. REMAIN AWAY FROM THE PET OR SERVICE
 13 ANIMAL;

14 2. REFRAIN FROM CRUELTY OR AGGRAVATED
 15 CRUELTY TOWARD THE PET OR SERVICE ANIMAL AS PROHIBITED UNDER §
 16 10-604(A) OR § 10-606(A) OF THE CRIMINAL LAW ARTICLE; OR

17 3. IF THE RESPONDENT HAS POSSESSION OF THE
 18 PET OR SERVICE ANIMAL, GIVE THE PET OR SERVICE ANIMAL TO THE PERSON
 19 ELIGIBLE FOR RELIEF, TO A FAMILY MEMBER OF THE PERSON ELIGIBLE FOR
 20 RELIEF, OR TO A SUITABLE THIRD PARTY.

21 4-506.

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

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

25 (13) order the respondent to pay filing fees and costs of a proceeding
 26 under this subtitle[.]; OR

27 (14) IF THE PERSON ELIGIBLE FOR RELIEF OR A FAMILY MEMBER
 28 OF THE PERSON ELIGIBLE FOR RELIEF HAS A PET OR SERVICE ANIMAL OR THE
 29 RESPONDENT HAS POSSESSION OF A PET OR SERVICE ANIMAL, ORDER THE
 30 RESPONDENT TO:

31 (I) REMAIN AWAY FROM THE PET OR SERVICE ANIMAL;

1 (II) REFRAIN FROM CRUELTY OR AGGRAVATED CRUELTY
2 TOWARD THE PET OR SERVICE ANIMAL AS PROHIBITED UNDER § 10-604(A) OR §
3 10-606(A) OF THE CRIMINAL LAW ARTICLE; OR

4 (III) IF THE RESPONDENT HAS POSSESSION OF THE PET OR
5 SERVICE ANIMAL, GIVE THE PET OR SERVICE ANIMAL TO THE PERSON ELIGIBLE
6 FOR RELIEF, TO A FAMILY MEMBER OF THE PERSON ELIGIBLE FOR RELIEF, OR
7 TO A SUITABLE THIRD PARTY.

8 4-509.

9 (a) A person who fails to comply with the relief granted in an interim
10 protective order under § 4-504.1(c)(1), (2), (3), (4)(i), (7), [or] (8), **OR (9)** of this
11 subtitle, a temporary protective order under § 4-505(a)(2)(i), (ii), (iii), (iv), [or] (v), **OR**
12 **(VIII)** of this subtitle, or a final protective order under § 4-506(d)(1), (2), (3), (4), (5),
13 [or] (12), **OR (14)** of this subtitle is guilty of a misdemeanor and on conviction is
14 subject, for each offense, to:

15 (1) for a first offense, a fine not exceeding \$1,000 or imprisonment not
16 exceeding 90 days or both; and

17 (2) for a second or subsequent offense, a fine not exceeding \$2,500 or
18 imprisonment not exceeding 1 year or both.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.