

HOUSE BILL 265

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CF SB 21

By: **Delegates Waldstreicher, Ali, Anderson, Barnes, Barve, Cardin, Costa, Dumais, Feldman, Frick, Frush, Haddaway, Hucker, Kipke, Lee, Love, Manno, McComas, McDonough, Mizeur, Montgomery, Olszewski, Reznik, Rice, Rosenberg, Schuler, Stein, and Valderrama**

Introduced and read first time: January 25, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Abuse or Neglect of Animal – Increased Penalties**

3 FOR the purpose of increasing the penalties for certain violations concerning the
4 abuse or neglect of animals; authorizing a court, as a condition of sentencing, to
5 prohibit a certain defendant from the future ownership of an animal; and
6 generally relating to animal cruelty.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Law
9 Section 10–604 and 10–606
10 Annotated Code of Maryland
11 (2002 Volume and 2009 Supplement)

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

14 **Article – Criminal Law**

15 10–604.

16 (a) A person may not:

17 (1) overdrive or overload an animal;

18 (2) deprive an animal of necessary sustenance;

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

7 (b) (1) A person who violates this section is guilty of a misdemeanor and
8 on conviction is subject to imprisonment not exceeding [90 days] **1 YEAR** or a fine not
9 exceeding [\$1,000] **\$2,500** or both.

10 (2) As a condition of sentencing, the court may:

11 (I) order a defendant convicted of violating this section to
12 participate in and pay for psychological counseling; **AND**

13 (II) **PROHIBIT A DEFENDANT CONVICTED OF VIOLATING**
14 **THIS SECTION FROM FUTURE OWNERSHIP OF AN ANIMAL.**

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 (b) (1) A person who violates this section is guilty of the felony of
24 aggravated cruelty to animals and on conviction is subject to imprisonment not
25 exceeding 3 years or a fine not exceeding \$5,000 or both.

26 (2) As a condition of sentencing, the court may:

27 (I) order a defendant convicted of violating this section to
28 participate in and pay for psychological counseling; **AND**

29 (II) **PROHIBIT A DEFENDANT CONVICTED OF VIOLATING**
30 **THIS SECTION FROM FUTURE OWNERSHIP OF AN ANIMAL.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2010.