

SENATE BILL 21

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(PRE-FILED)

0lr0511
CF HB 265

By: ~~Senators Robey and Raskin~~, **Raskin, Forehand, and Stone**

Requested: August 25, 2009

Introduced and read first time: January 13, 2010

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 3, 2010

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Animal Cruelty – Penalties and Conditions of Sentencing**

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~~ owning,
6 possessing, or residing with an animal for the life of the defendant or for a
7 specified period of time; providing that a certain violation of a condition of
8 sentencing subjects the violator to removal of the animal at the expense of the
9 violator and may be treated as criminal contempt; and generally relating to
10 animal cruelty.

11 BY repealing and reenacting, with amendments,
12 Article – Criminal Law
13 Section 10–604 and 10–606
14 Annotated Code of Maryland
15 (2002 Volume and 2009 Supplement)

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

18 **Article – Criminal Law**

19 10–604.

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 (a) A person may not:
- 2 (1) overdrive or overload an animal;
- 3 (2) deprive an animal of necessary sustenance;
- 4 (3) inflict unnecessary suffering or pain on an animal;
- 5 (4) cause, procure, or authorize an act prohibited under item (1), (2), or
- 6 (3) of this subsection; or
- 7 (5) if the person has charge or custody of an animal, as owner or
- 8 otherwise, unnecessarily fail to provide the animal with nutritious food in sufficient
- 9 quantity, necessary veterinary care, proper drink, air, space, shelter, or protection
- 10 from the weather.

11 (b) (1) A person who violates this section is guilty of a misdemeanor and

12 on conviction is subject to imprisonment not exceeding [90 days] **1 YEAR** or a fine not

13 exceeding [\$1,000] **\$2,500** or both.

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

15 (I) order a defendant convicted of violating this section to

16 participate in and pay for psychological counseling; AND

17 (II) **PROHIBIT A DEFENDANT CONVICTED OF VIOLATING**

18 **THIS SECTION FROM ~~FUTURE OWNERSHIP OF AN ANIMAL~~ OWNING, POSSESSING,**

19 **OR RESIDING WITH AN ANIMAL FOR A SPECIFIED PERIOD OF TIME.**

20 (3) **A VIOLATION OF A CONDITION OF SENTENCING UNDER**

21 **PARAGRAPH (2)(II) OF THIS SUBSECTION:**

22 (I) **SUBJECTS THE VIOLATOR TO REMOVAL OF THE ANIMAL**

23 **AT THE EXPENSE OF THE VIOLATOR; AND**

24 (II) **MAY BE TREATED AS A CRIMINAL CONTEMPT**

25 **PUNISHABLE AS PROVIDED BY LAW.**

26 10-606.

27 (a) A person may not:

28 (1) intentionally mutilate, torture, cruelly beat, or cruelly kill an

29 animal;

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

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

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

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

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

11 (II) PROHIBIT A DEFENDANT CONVICTED OF VIOLATING
12 THIS SECTION FROM ~~FUTURE OWNERSHIP OF AN ANIMAL~~ OWNING, POSSESSING,
13 OR RESIDING WITH AN ANIMAL FOR THE LIFE OF THE DEFENDANT OR FOR A
14 SPECIFIED PERIOD OF TIME.

15 (3) A VIOLATION OF A CONDITION OF SENTENCING UNDER
16 PARAGRAPH (2)(I) OF THIS SUBSECTION:

17 (I) SUBJECTS THE VIOLATOR TO REMOVAL OF THE ANIMAL
18 AT THE EXPENSE OF THE VIOLATOR; AND

19 (II) MAY BE TREATED AS A CRIMINAL CONTEMPT
20 PUNISHABLE AS PROVIDED BY LAW.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.