

# HOUSE BILL 93

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4lr0548

(PRE-FILED)

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By: ~~Delegate Murphy~~ **Delegates Murphy and Waldstreicher**

Requested: September 25, 2013

Introduced and read first time: January 8, 2014

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2014

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law – Animal Cruelty – Payment of Costs**

3 FOR the purpose of authorizing a court to order a defendant convicted of a certain  
4 charge of animal cruelty, as a condition of sentencing, to pay, in addition to any  
5 other fines and costs, all reasonable costs, not exceeding a certain amount,  
6 incurred in removing, housing, treating, euthanizing, or disposing of an animal  
7 confiscated from the defendant, except under certain circumstances; requiring a  
8 certain person who removes an animal under certain circumstances to notify the  
9 animal's owner of the right of the owner to surrender ownership of the animal to  
10 the agency that removed the animal; and generally relating to animal cruelty.

11 BY repealing and reenacting, with amendments,

12 Article – Criminal Law

13 Section ~~10-604~~, 10-606, 10-607, ~~and~~ 10-608, and 10-615

14 Annotated Code of Maryland

15 (2012 Replacement Volume and 2013 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.~~

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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.



## HOUSE BILL 93

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 or a fine not exceeding~~  
13 ~~\$1,000 or both.~~

14                   ~~(2) As a condition of sentencing, the court may order a defendant~~  
15 ~~convicted of violating this section to:~~

16                           ~~(I) participate in and pay for psychological counseling; AND~~

17                           ~~(II) PAY, IN ADDITION TO ANY OTHER FINES AND COSTS, ALL~~  
18 ~~REASONABLE COSTS INCURRED IN REMOVING, HOUSING, TREATING,~~  
19 ~~EUTHANIZING, OR DISPOSING OF AN ANIMAL CONFISCATED FROM THE~~  
20 ~~DEFENDANT.~~

21                   ~~(3) As a condition of probation, the court may prohibit a defendant~~  
22 ~~from owning, possessing, or residing with an animal.~~

23 10-606.

24           (a) A person may not:

25                   (1) intentionally mutilate, torture, cruelly beat, or cruelly kill an  
26 animal;

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

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

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

4 (2) As a condition of sentencing, the court may order a defendant  
5 convicted of violating this section to:

6 (I) participate in and pay for psychological counseling; AND

7 (II) **PAY, IN ADDITION TO ANY OTHER FINES AND COSTS, ALL**  
8 **REASONABLE COSTS, NOT EXCEEDING \$15,000, INCURRED IN REMOVING,**  
9 **HOUSING, TREATING, EUTHANIZING, OR DISPOSING OF AN ANIMAL**  
10 **CONFISCATED FROM THE DEFENDANT, EXCEPT FOR COSTS INCURRED AFTER**  
11 **SURRENDER OF OWNERSHIP OF THE ANIMAL BY THE DEFENDANT UNDER §**  
12 **10-615(D)(1) OF THIS SUBTITLE OR AFTER THE ANIMAL IS CONSIDERED A**  
13 **STRAY UNDER § 10-615(E)(1) OF THIS SUBTITLE.**

14 (3) As a condition of probation, the court may prohibit a defendant  
15 from owning, possessing, or residing with an animal.

16 10-607.

17 (a) In this section, “baiting” means using a dog to train a fighting dog or to  
18 test the fighting or killing instinct of another dog.

19 (b) A person may not:

20 (1) use or allow a dog to be used in a dogfight or for baiting;

21 (2) arrange or conduct a dogfight;

22 (3) possess, own, sell, transport, or train a dog with the intent to use  
23 the dog in a dogfight or for baiting; or

24 (4) knowingly allow premises under the person’s ownership, charge, or  
25 control to be used to conduct a dogfight or for baiting.

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

29 (2) As a condition of sentencing, the court may order a defendant  
30 convicted of violating this section to:

31 (I) participate in and pay for psychological counseling; AND

1                   **(II) PAY, IN ADDITION TO ANY OTHER FINES AND COSTS, ALL**  
2 **REASONABLE COSTS, NOT EXCEEDING \$15,000, INCURRED IN REMOVING,**  
3 **HOUSING, TREATING, EUTHANIZING, OR DISPOSING OF A DOG CONFISCATED**  
4 **FROM THE DEFENDANT, EXCEPT FOR COSTS INCURRED AFTER SURRENDER OF**  
5 **OWNERSHIP OF THE ANIMAL BY THE DEFENDANT UNDER § 10-615(D)(1) OF**  
6 **THIS SUBTITLE OR AFTER THE ANIMAL IS CONSIDERED A STRAY UNDER §**  
7 **10-615(E)(1) OF THIS SUBTITLE.**

8 10-608.

9           (a) (1) In this section, “implement of cockfighting” means any implement  
10 or device intended or designed:

11                   (i) to enhance the fighting ability of a fowl, cock, or other bird;  
12 or

13                   (ii) for use in a deliberately conducted event that uses a fowl,  
14 cock, or other bird to fight with another fowl, cock, or other bird.

15           (2) “Implement of cockfighting” includes:

16                   (i) a gaff;

17                   (ii) a slasher;

18                   (iii) a postiza;

19                   (iv) a sparring muff; and

20                   (v) any other sharp implement designed to be attached in place  
21 of the natural spur of a gamecock or other fighting bird.

22           (b) A person may not:

23                   (1) use or allow the use of a fowl, cock, or other bird to fight with  
24 another animal;

25                   (2) possess, with the intent to unlawfully use, an implement of  
26 cockfighting;

27                   (3) arrange or conduct a fight in which a fowl, cock, or other bird fights  
28 with another fowl, cock, or other bird;

29                   (4) possess, own, sell, transport, or train a fowl, cock, or other bird  
30 with the intent to use the fowl, cock, or other bird in a cockfight; or

1 (5) knowingly allow premises under the person's ownership, charge, or  
2 control to be used to conduct a fight in which a fowl, cock, or other bird fights with  
3 another fowl, cock, or other bird.

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

7 (2) As a condition of sentencing, the court may order a defendant  
8 convicted of violating this section to:

9 (I) participate in and pay for psychological counseling; AND

10 (II) **PAY, IN ADDITION TO ANY OTHER FINES AND COSTS, ALL**  
11 **REASONABLE COSTS, NOT EXCEEDING \$15,000, INCURRED IN REMOVING,**  
12 **HOUSING, TREATING, EUTHANIZING, OR DISPOSING OF A FOWL, COCK, OR**  
13 **OTHER BIRD CONFISCATED FROM THE DEFENDANT, EXCEPT FOR COSTS**  
14 **INCURRED AFTER SURRENDER OF OWNERSHIP OF THE ANIMAL BY THE**  
15 **DEFENDANT UNDER § 10-615 OF THIS SUBTITLE OR AFTER THE ANIMAL IS**  
16 **CONSIDERED A STRAY UNDER § 10-615(E)(1) OF THIS SUBTITLE.**

17 10-615.

18 (a) If an owner or custodian of an animal is convicted of an act of animal  
19 cruelty, the court may order the removal of the animal or any other animal at the time  
20 of conviction for the protection of the animal.

21 (b) (1) An officer or authorized agent of a humane society, or a police  
22 officer or other public official required to protect animals may seize an animal if  
23 necessary to protect the animal from cruelty.

24 (2) (i) An animal that a medical and scientific research facility  
25 possesses may be removed under this subsection only after review by and a  
26 recommendation from the Department of Health and Mental Hygiene, Center for  
27 Veterinary Public Health.

28 (ii) The Department of Health and Mental Hygiene shall:

29 1. conduct an investigation within 24 hours after  
30 receiving a complaint; and

31 2. within 24 hours after completing the investigation,  
32 report to the State's Attorney for the county in which the facility is situated.

33 (c) (1) If an animal is impounded, yarded, or confined without necessary  
34 food, water, or proper attention, is subject to cruelty, or is neglected, an officer or

1 authorized agent of a humane society, a police officer, another public official required  
2 to protect animals, or any invited and accompanying veterinarian licensed in the  
3 State, may:

4 (i) enter the place where the animal is located and supply the  
5 animal with necessary food, water, and attention; or

6 (ii) remove the animal if removal is necessary for the health of  
7 the animal.

8 (2) A person who enters a place under paragraph (1) of this subsection  
9 is not liable because of the entry.

10 (d) (1) A person who removes an animal under subsection (c) of this  
11 section shall notify the animal's owner or custodian of:

12 (i) the removal; [and]

13 (ii) any administrative remedies that may be available to the  
14 owner or custodian; AND

15 (III) **THE RIGHT OF THE OWNER TO SURRENDER OWNERSHIP**  
16 **OF THE ANIMAL TO THE AGENCY THAT REMOVED THE ANIMAL.**

17 (2) If an administrative remedy is not available, the owner or  
18 custodian may file a petition for the return of the animal in the District Court of the  
19 county in which the removal occurred within 10 days after the removal.

20 (e) An animal is considered a stray if:

21 (1) an owner or custodian of the animal was notified under subsection  
22 (d) of this section and failed to file a petition within 10 days after removal; or

23 (2) the owner or custodian of the animal is unknown and cannot be  
24 ascertained by reasonable effort for 20 days to determine the owner or custodian.

25 (f) This section does not allow:

26 (1) entry into a private dwelling; or

27 (2) removal of a farm animal without the prior recommendation of a  
28 veterinarian licensed in the State.

29 (g) In Baltimore County, the Baltimore County Department of Health,  
30 Division of Animal Control or an organization that the Baltimore County government  
31 approves shall enforce this section.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.