

HB0093/902813/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 93
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Murphy” and substitute “Delegates Murphy and Waldstreicher”.

AMENDMENT NO. 2

On page 1, in line 5, after the second “costs” insert “, not exceeding a certain amount,”; in line 6, after “defendant” insert “, except under certain circumstances”; in the same line, after the semicolon insert “requiring a certain person who removes an animal under certain circumstances to notify the animal’s owner of the right of the owner to surrender ownership of the animal to the agency that removed the animal;”; in line 10, strike “10-604,”; in the same line, strike “and”; and in the same line, after “10-608” insert “, and 10-615”.

AMENDMENT NO. 3

On pages 1 and 2, strike in their entirety the lines beginning with line 16 on page 1 through line 18 on page 2, inclusive.

AMENDMENT NO. 4

On page 3, in lines 2 and 24, in each instance, after “COSTS” insert “, **NOT EXCEEDING \$15,000,**”.

On page 4, in line 29, after “COSTS” insert “, **NOT EXCEEDING \$15,000,**”.

AMENDMENT NO. 5

On page 3, in lines 4 and 25, in each instance, after “DEFENDANT” insert “, **EXCEPT FOR COSTS INCURRED AFTER SURRENDER OF OWNERSHIP OF THE ANIMAL BY THE DEFENDANT UNDER § 10-615(D)(1) OF THIS SUBTITLE OR**”.

(Over)

AFTER THE ANIMAL IS CONSIDERED A STRAY UNDER § 10-615(E)(1) OF THIS SUBTITLE”.

On page 5, in line 2, after “DEFENDANT” insert “, EXCEPT FOR COSTS INCURRED AFTER SURRENDER OF OWNERSHIP OF THE ANIMAL BY THE DEFENDANT UNDER § 10-615 OF THIS SUBTITLE OR AFTER THE ANIMAL IS CONSIDERED A STRAY UNDER § 10-615(E)(1) OF THIS SUBTITLE”.

AMENDMENT NO. 6

On page 5, after line 2, insert:

“10-615.

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

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

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

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

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

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

(c) (1) If an animal is impounded, yarded, or confined without necessary food, water, or proper attention, is subject to cruelty, or is neglected, an officer or authorized agent of a humane society, a police officer, another public official required to protect animals, or any invited and accompanying veterinarian licensed in the State, may:

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

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

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

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

(i) the removal; [and]

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

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

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

(e) An animal is considered a stray if:

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

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

(f) This section does not allow:

(1) entry into a private dwelling; or

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

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