

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 393  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Costs of Care for Seized Animals” and substitute “Animal Cruelty – Payment of Costs”; strike beginning with “establishing” in line 3 down through “term;” in line 18 and substitute “authorizing a court to order a defendant convicted of a certain charge of animal cruelty, as a condition of sentencing, to pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant;”; in line 19, strike “animals” and substitute “animal cruelty”; and in line 22, strike “10-615” and substitute “10-604, 10-606, 10-607, and 10-608”.

AMENDMENT NO. 2

On pages 2 through 6, strike in their entirety the lines beginning with line 2 on page 2 through line 3 on page 6 and substitute:

“10-604.

(a) A person may not:

(1) overdrive or overload an animal;

(2) deprive an animal of necessary sustenance;

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

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

(5) if the person has charge or custody of an animal, as owner or otherwise, unnecessarily fail to provide the animal with nutritious food in sufficient

(Over)

quantity, necessary veterinary care, proper drink, air, space, shelter, or protection from the weather.

(b) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$1,000 or both.

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

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

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

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

10-606.

(a) A person may not:

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

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

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

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

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

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

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

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

10-607.

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

(b) A person may not:

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

(2) arrange or conduct a dogfight;

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

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

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

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

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

(Over)

(II) PAY, IN ADDITION TO ANY OTHER FINES AND COSTS, ALL REASONABLE COSTS INCURRED IN REMOVING, HOUSING, TREATING, OR EUTHANIZING A DOG CONFISCATED FROM THE DEFENDANT.

10-608.

(a) (1) In this section, "implement of cockfighting" means any implement or device intended or designed:

- (i) to enhance the fighting ability of a fowl, cock, or other bird; or
- (ii) for use in a deliberately conducted event that uses a fowl, cock, or other bird to fight with another fowl, cock, or other bird.

(2) "Implement of cockfighting" includes:

- (i) a gaff;
- (ii) a slasher;
- (iii) a postiza;
- (iv) a sparring muff; and
- (v) any other sharp implement designed to be attached in place of the natural spur of a gamecock or other fighting bird.

(b) A person may not:

- (1) use or allow the use of a fowl, cock, or other bird to fight with another animal;
- (2) possess, with the intent to unlawfully use, an implement of cockfighting;
- (3) arrange or conduct a fight in which a fowl, cock, or other bird fights with another fowl, cock, or other bird;

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

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

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

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

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

(II) PAY, IN ADDITION TO ANY OTHER FINES AND COSTS, ALL REASONABLE COSTS INCURRED IN REMOVING, HOUSING, TREATING, OR EUTHANIZING A FOWL, COCK, OR OTHER BIRD CONFISCATED FROM THE DEFENDANT."