

# SENATE BILL 264

E1, O3

6lr1454

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By: **Senators Salling, Bates, Eckardt, Jennings, Kelley, Klausmeier, Madaleno, and Waugh**

Introduced and read first time: January 22, 2016

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Service Animals – Aggravated Cruelty and False Representation**

3 FOR the purpose of providing that a person who, except in self-defense, intentionally  
4 inflicts bodily harm, permanent disability, or death on a service animal is guilty of  
5 the felony of aggravated cruelty to animals; prohibiting a person from making a false  
6 statement that an animal is a service animal for certain purposes; providing certain  
7 penalties; defining a certain term; and generally relating to service animals.

8 BY repealing and reenacting, with amendments,

9 Article – Criminal Law

10 Section 10–606

11 Annotated Code of Maryland

12 (2012 Replacement Volume and 2015 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – Human Services

15 Section 7–701(g)

16 Annotated Code of Maryland

17 (2007 Volume and 2015 Supplement)

18 BY adding to

19 Article – Human Services

20 Section 7–705.1

21 Annotated Code of Maryland

22 (2007 Volume and 2015 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

24 That the Laws of Maryland read as follows:

25 **Article – Criminal Law**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 10-606.

2 (a) A person may not:

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

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

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

8 **(4) EXCEPT IN THE CASE OF SELF-DEFENSE, INTENTIONALLY INFLICT**  
9 **BODILY HARM, PERMANENT DISABILITY, OR DEATH ON A SERVICE ANIMAL, AS**  
10 **DEFINED IN § 7-701 OF THE HUMAN SERVICES ARTICLE.**

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

14 (2) As a condition of sentencing, the court may order a defendant convicted  
15 of violating this section to participate in and pay for psychological counseling.

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

## 18 Article – Human Services

19 7-701.

20 (g) “Service animal” means a guide dog, signal dog, or other animal individually  
21 trained to do work or perform tasks for the benefit of an individual with a disability,  
22 including:

23 (1) guiding individuals with impaired vision;

24 (2) alerting individuals with impaired hearing to an intruder or sounds;

25 (3) providing minimal protection or rescue work;

26 (4) pulling a wheelchair;

27 (5) fetching dropped items; or

28 (6) detecting the onset of a seizure.

1 **7-705.1.**

2 (A) IN THIS SECTION, "FALSE REPRESENTATION" MEANS THE KNOWING  
3 AND WILLFUL:

4 (1) CONCEALING, FALSIFYING, OR OMITTING OF A MATERIAL FACT;

5 (2) MAKING OF A MATERIALLY FALSE OR FRAUDULENT STATEMENT;  
6 OR

7 (3) USE OF A DOCUMENT THAT CONTAINS A STATEMENT OF MATERIAL  
8 FACT THAT THE USER KNOWS TO BE FALSE OR FRAUDULENT.

9 (B) A PERSON MAY NOT MAKE A FALSE REPRESENTATION THAT AN ANIMAL  
10 IS A SERVICE ANIMAL FOR THE PURPOSE OF OBTAINING:

11 (1) ANY RIGHT OR PRIVILEGE ESTABLISHED UNDER THIS SUBTITLE;  
12 OR

13 (2) ADMITTANCE OF THE SERVICE ANIMAL TO ANY PLACE AS  
14 PROVIDED UNDER THIS SUBTITLE.

15 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
16 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2016.