

# HOUSE BILL 455

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By: **Delegates Atterbeary, Anderson, Chang, Frush, Kramer, McComas, Moon, Morhaim, Parrott, Patterson, Robinson, Sanchez, Sydnor, Turner, and C. Wilson**

Introduced and read first time: January 26, 2017

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Animal Cruelty – Applicability**

3 FOR the purpose of clarifying that a person who has charge or custody of an animal and  
4 who unnecessarily fails to provide the animal with proper air, proper space, proper  
5 shelter, or proper protection from the weather is guilty of violating a certain  
6 prohibition against abuse or neglect of an animal; clarifying that a person who  
7 intentionally mutilates, intentionally tortures, intentionally cruelly beats, or  
8 intentionally cruelly kills an animal is guilty of violating a certain prohibition  
9 against aggravated cruelty to animals; and generally relating to animal cruelty.

10 BY repealing and reenacting, with amendments,  
11 Article – Criminal Law  
12 Section 10–604 and 10–606  
13 Annotated Code of Maryland  
14 (2012 Replacement Volume and 2016 Supplement)

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

17 **Article – Criminal Law**

18 10–604.

19 (a) A person may not:

20 (1) overdrive or overload an animal;

21 (2) deprive an animal of necessary sustenance;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

4 (5) if the person has charge or custody of an animal, as owner or otherwise,  
5 unnecessarily fail to provide the animal with:

6 (I) nutritious food in sufficient quantity[.];

7 (II) necessary veterinary care[.];

8 (III) proper drink[.];

9 (IV) **PROPER** air[.];

10 (V) **PROPER** space[.];

11 (VI) **PROPER** shelter[.]; or

12 (VII) **PROPER** protection from the weather.

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

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

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

20 10-606.

21 (a) A person may not:

22 (1) intentionally:

23 (I) mutilate[.];

24 (II) torture[.];

25 (III) cruelly beat[.]; or

26 (IV) cruelly kill an 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 aggravated  
6 cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a  
7 fine not exceeding \$5,000 or both.

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

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

12           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2017.