

# SENATE BILL 84

E2, E1  
SB 912/14 – JPR

(PRE-FILED)

7lr1044

---

By: **Senator Mathias**

Requested: November 2, 2016

Introduced and read first time: January 11, 2017

Assigned to: Judicial Proceedings

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Animal Abuse Registry**

3 FOR the purpose of requiring the Department of Public Safety and Correctional Services  
4 to establish the Maryland Animal Abuse Registry; requiring the Registry to be  
5 updated in a certain manner and to include certain information; requiring a certain  
6 person convicted of certain crimes involving animal cruelty to register with the  
7 county sheriff within a certain period of time after the conviction; requiring a  
8 registrant to provide certain information for registration; requiring the county  
9 sheriff to obtain a certain digital image from a person registering under this Act;  
10 requiring a registrant to update certain information in a certain manner;  
11 establishing that a certain registration shall stay in effect for a certain period of time;  
12 requiring the county sheriff to forward certain registration information to the  
13 Department; requiring certain registrants to pay an annual registration fee;  
14 requiring a county sheriff to remit certain fees in a certain manner; providing for the  
15 funding of the Animal Abuse Registry Fund and how money in the Fund is to be  
16 distributed; providing that Registry information is to be made public in a certain  
17 manner; providing for an appeal of a certain registration requirement; prohibiting a  
18 person subject to registration under this Act from knowingly failing to register or  
19 provide accurate information when registering; requiring a certain animal shelter,  
20 pet store, or animal breeder in this State to determine whether the name and address  
21 of a person seeking to purchase or adopt an animal appears on the Registry;  
22 prohibiting a certain animal shelter, pet store, or animal breeder from knowingly  
23 offering, selling, delivering, giving, or providing an animal to a person registered on  
24 the Registry; establishing penalties for a violation of this Act; defining certain terms;  
25 and generally relating to the establishment of an animal abuse registry.

26 BY adding to

27 Article – Criminal Procedure

28 Section 11–1101 through 11–1111 to be under the new subtitle “Subtitle 11.

29 Maryland Animal Abuse Registry”

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2008 Replacement Volume and 2016 Supplement)

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

5 **Article – Criminal Procedure**

6 **SUBTITLE 11. MARYLAND ANIMAL ABUSE REGISTRY.**

7 **11-1101.**

8 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
9 INDICATED.

10 (B) “ANIMAL ABUSE CRIME” MEANS:

11 (1) A VIOLATION OF § 10-606, § 10-607, § 10-608, OR § 10-618 OF THE  
12 CRIMINAL LAW ARTICLE;

13 (2) AN ATTEMPT TO COMMIT AN OFFENSE LISTED IN ITEM (1) OF THIS  
14 SUBSECTION; OR

15 (3) A CRIME COMMITTED IN A FEDERAL, STATE, OR FOREIGN  
16 JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OF  
17 THE CRIMES LISTED IN ITEM (1) OR (2) OF THIS SUBSECTION.

18 (C) “ANIMAL BREEDER” MEANS AN ENTITY ENGAGED IN THE PRACTICE OF  
19 FACILITATING THE REPRODUCTION OF ANIMALS FOR THE PURPOSE OF SELLING  
20 THE RESULTING OFFSPRING TO ONE OR MORE OTHER INDIVIDUALS OR ENTITIES.

21 (D) “ANIMAL SHELTER” MEANS A PUBLIC ANIMAL CONTROL FACILITY OR  
22 ANY OTHER FACILITY THAT IS OPERATED BY AN ORGANIZATION OR INDIVIDUAL FOR  
23 THE PURPOSE OF PROTECTING ANIMALS FROM CRUELTY, NEGLECT, OR ABUSE.

24 (E) “FUND” MEANS THE ANIMAL ABUSE REGISTRY FUND ESTABLISHED  
25 UNDER THIS SUBTITLE.

26 (F) “OFFENDER” MEANS A PERSON REQUIRED TO REGISTER UNDER §  
27 11-1104 OF THIS SUBTITLE.

28 (G) “PET STORE” MEANS A PLACE OR PREMISES WHERE BIRDS, MAMMALS,  
29 OR REPTILES ARE KEPT FOR THE PURPOSE OF:

1           (1) SALE, AT EITHER WHOLESALE OR RETAIL;

2           (2) IMPORT;

3           (3) EXPORT;

4           (4) BARTER;

5           (5) EXCHANGE; OR

6           (6) GIFT.

7 **11-1102.**

8           **FOR THE PURPOSES OF THIS SUBTITLE, A PERSON IS CONVICTED WHEN THE**  
9 **PERSON:**

10           (1) IS FOUND GUILTY OF A CRIME BY A JURY OR JUDICIAL OFFICER;

11           (2) ENTERS A PLEA OF GUILTY OR NOLO CONTENDERE;

12           (3) IS GRANTED PROBATION BEFORE JUDGMENT AFTER A FINDING OF  
13 GUILT FOR A CRIME IF THE COURT, AS A CONDITION OF PROBATION, ORDERS  
14 COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBTITLE; OR

15           (4) IS FOUND NOT CRIMINALLY RESPONSIBLE FOR A CRIME.

16 **11-1103.**

17           (A) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A CENTRAL  
18 COMPUTERIZED REGISTRY OF ALL PERSONS CONVICTED OF AN ANIMAL ABUSE  
19 CRIME THAT ARE REQUIRED TO REGISTER IN ACCORDANCE WITH § 11-1104 OF THIS  
20 SUBTITLE, TO BE KNOWN AS THE MARYLAND ANIMAL ABUSE REGISTRY.

21           (B) THE REGISTRY SHALL BE UPDATED BASED ON INFORMATION MADE  
22 AVAILABLE TO THE DEPARTMENT, INCLUDING INFORMATION ACQUIRED IN  
23 ACCORDANCE WITH THE REGISTRATION PROVISIONS OF § 11-1105 OF THIS  
24 SUBTITLE.

25           (C) THE REGISTRY SHALL INCLUDE:

26           (1) THE OFFENDER'S NAME;

1           **(2) THE OFFENDER'S RESIDENTIAL ADDRESS;**

2           **(3) THE DATE AND A DESCRIPTION OF THE CRIME FOR WHICH**  
3 **REGISTRATION IS REQUIRED; AND**

4           **(4) A DIGITAL IMAGE OF THE OFFENDER'S HEAD AND SHOULDERS**  
5 **TAKEN IN FULL-FACE VIEW WITH THE OFFENDER FACING THE CAMERA.**

6 **11-1104.**

7           **A PERSON CONVICTED OF AN ANIMAL ABUSE CRIME SHALL REGISTER WITH**  
8 **THE COUNTY SHERIFF FOR THE COUNTY IN WHICH THE PERSON IS LOCATED WITHIN**  
9 **10 DAYS AFTER THE CONVICTION.**

10 **11-1105.**

11           **(A) A REGISTRANT SHALL PROVIDE THE COUNTY SHERIFF WITH THE**  
12 **FOLLOWING INFORMATION:**

13           **(1) THE REGISTRANT'S LEGAL NAME;**

14           **(2) THE REGISTRANT'S CURRENT ADDRESS OR LOCATION;**

15           **(3) THE CRIME OF WHICH THE REGISTRANT WAS CONVICTED; AND**

16           **(4) THE DATE AND LOCATION OF THE CRIME.**

17           **(B) THE COUNTY SHERIFF SHALL OBTAIN A DIGITAL IMAGE OF THE**  
18 **REGISTRANT'S HEAD AND SHOULDERS TAKEN IN FULL-FACE VIEW WITH THE**  
19 **OFFENDER FACING THE CAMERA.**

20           **(C) A PERSON REQUIRED TO REGISTER UNDER THIS SUBTITLE SHALL**  
21 **UPDATE THE INFORMATION:**

22           **(1) ANNUALLY; AND**

23           **(2) TO REFLECT ANY CHANGE IN ADDRESS WITHIN 10 DAYS OF THE**  
24 **CHANGE.**

25           **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**  
26 **REGISTRATION UNDER THIS SUBTITLE SHALL REMAIN IN EFFECT FOR A PERIOD OF**  
27 **5 YEARS FOLLOWING EITHER THE DATE OF JUDGMENT OR DATE OF RELEASE FROM**  
28 **INCARCERATION, WHICHEVER IS LATER.**

1           **(2) THE PERIOD DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION**  
2 **SHALL BE EXTENDED AN ADDITIONAL 5 YEARS FOR EACH CONVICTION FOR AN**  
3 **ANIMAL ABUSE CRIME THAT OCCURS AFTER THE INITIAL REGISTRATION.**

4           **(E) THE COUNTY SHERIFF SHALL FORWARD ALL REGISTRATION**  
5 **INFORMATION TO THE DEPARTMENT.**

6 **11-1106.**

7           **(A) IN ADDITION TO ANY FINE, FEE, OR PENALTY LEVIED OR IMPOSED AS**  
8 **PROVIDED BY LAW, EACH REGISTRANT SHALL PAY AN ANNUAL REGISTRATION FEE**  
9 **OF \$50.**

10           **(B) THE COUNTY SHERIFF SHALL REMIT THE ANNUAL REGISTRATION FEES**  
11 **COLLECTED UNDER SUBSECTION (A) OF THIS SECTION TO THE STATE TREASURER**  
12 **FOR DEPOSIT INTO THE FUND.**

13 **11-1107.**

14           **(A) (1) THERE IS AN ANIMAL ABUSE REGISTRY FUND.**

15           **(2) THE FUND CONSISTS OF:**

16                   **(I) MONEY DISTRIBUTED TO THE FUND FROM ANNUAL**  
17 **REGISTRATION FEES COLLECTED UNDER § 11-1106 OF THIS SUBTITLE; AND**

18                   **(II) MONEY MADE AVAILABLE TO THE FUND FROM ANY OTHER**  
19 **SOURCE.**

20           **(3) THE FUND IS A SPECIAL, CONTINUING, NONLAPSING FUND THAT**  
21 **IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

22           **(4) THE STATE TREASURER SHALL SEPARATELY HOLD AND THE**  
23 **COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

24           **(5) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME**  
25 **MANNER AS OTHER STATE FUNDS.**

26           **(6) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE**  
27 **AUDITS AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.**

1           **(B) (1) THE FUND MAY BE USED ONLY FOR FUNDING THE**  
2 **ADMINISTRATION OF THIS SUBTITLE BY COUNTY SHERIFFS AND THE DEPARTMENT.**

3           **(2) UP TO 65% OF THE MONEY IN THE FUND SHALL BE PAYABLE TO**  
4 **THE COUNTIES TO FUND THE COLLECTION OF THE INFORMATION BY THE COUNTY**  
5 **SHERIFFS IN ACCORDANCE WITH § 11-1105 OF THIS SUBTITLE.**

6           **(3) UP TO 35% OF THE MONEY IN THE FUND SHALL BE PAYABLE TO**  
7 **THE DEPARTMENT TO FUND THE ESTABLISHMENT AND ADMINISTRATION OF THE**  
8 **MARYLAND ANIMAL ABUSE REGISTRY IN ACCORDANCE WITH § 11-1103 OF THIS**  
9 **SUBTITLE.**

10          **(C) THIS SECTION DOES NOT PROHIBIT THE FUND FROM RECEIVING MONEY**  
11 **FROM ANY OTHER SOURCE.**

12 **11-1108.**

13          **INFORMATION CONTAINED IN THE MARYLAND ANIMAL ABUSE REGISTRY**  
14 **SHALL BE MADE AVAILABLE TO THE PUBLIC THROUGH THE INTERNET, BY**  
15 **TELEPHONE, BY WRITTEN ACCESS, AND IN PERSON.**

16 **11-1109.**

17          **(A) A PERSON CONVICTED OF AN ANIMAL ABUSE CRIME WHO WOULD**  
18 **OTHERWISE BE REQUIRED TO REGISTER UNDER § 11-1104 OF THIS SUBTITLE MAY**  
19 **APPEAL TO THE CIRCUIT COURT IN THE COUNTY IN WHICH THE PERSON RESIDES**  
20 **FOR A DETERMINATION OF THE LEVEL OF DANGER POSED BY THE OFFENDER.**

21          **(B) (1) (I) THE CIRCUIT COURT MAY MAKE A FINDING THAT THE**  
22 **CIRCUMSTANCES OF THE CRIME, IN CONJUNCTION WITH THE OFFENDER'S**  
23 **CRIMINAL HISTORY, DO NOT INDICATE A RISK OF REOFFENDING BY THE OFFENDER**  
24 **OR THAT THE OFFENDER IS A DANGER TO THE PUBLIC.**

25                   **(II) THE CIRCUIT COURT SHALL SPECIFY IN WRITING THE**  
26 **REASONS FOR ITS FINDING.**

27          **(2) ON MAKING THE FINDINGS DESCRIBED IN PARAGRAPH (1) OF**  
28 **THIS SUBSECTION, THE CIRCUIT COURT SHALL NOTIFY THE OFFENDER AND ORDER**  
29 **THE DEPARTMENT TO REMOVE THE OFFENDER'S REGISTRATION INFORMATION**  
30 **FROM THE REGISTRY.**

31 **11-1110.**

1           **(A) A PERSON WHO IS SUBJECT TO REGISTRATION UNDER § 11-1104 OF**  
2 **THIS SUBTITLE MAY NOT KNOWINGLY FAIL TO:**

3                   **(1) REGISTER WITH THE COUNTY SHERIFF; OR**

4                   **(2) PROVIDE ACCURATE INFORMATION WHEN REGISTERING UNDER §**  
5 **11-1105 OF THIS SUBTITLE.**

6           **(B) A PERSON WHO VIOLATES THIS SECTION:**

7                   **(1) FOR A FIRST OFFENSE, IS GUILTY OF A MISDEMEANOR AND ON**  
8 **CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT**  
9 **EXCEEDING \$1,000 OR BOTH; AND**

10                   **(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IS GUILTY OF A FELONY**  
11 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A**  
12 **FINE NOT EXCEEDING \$10,000 OR BOTH.**

13 **11-1111.**

14           **(A) AN ANIMAL SHELTER, A PET STORE, OR AN ANIMAL BREEDER IN THIS**  
15 **STATE SHALL DETERMINE WHETHER THE NAME AND ADDRESS OF A PERSON**  
16 **SEEKING TO PURCHASE OR ADOPT AN ANIMAL APPEARS ON THE REGISTRY.**

17           **(B) AN ANIMAL SHELTER, A PET STORE, OR AN ANIMAL BREEDER MAY NOT**  
18 **KNOWINGLY OFFER, SELL, DELIVER, GIVE, OR PROVIDE AN ANIMAL TO A PERSON**  
19 **REGISTERED ON THE REGISTRY.**

20           **(C) AN ANIMAL SHELTER, A PET STORE, OR AN ANIMAL BREEDER THAT**  
21 **VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS**  
22 **SUBJECT TO:**

23                   **(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$500; OR**

24                   **(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING**  
25 **\$5,000.**

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