

HOUSE BILL 641

E1, E4
HB 1134/18 – JUD

9lr0486
CF SB 355

By: **Delegates Atterbeary, Anderson, Arentz, Barve, Brooks, Cardin, D.E. Davis, Ghrist, Hettleman, Jacobs, Kaiser, Kelly, Love, Luedtke, Malone, Moon, Otto, Parrott, Qi, Shetty, Stein, Stewart, and Wilson**

Introduced and read first time: February 6, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Sexual Contact With an Animal**

3 FOR the purpose of prohibiting a person from engaging in sexual contact with an animal;
4 defining “sexual contact with an animal”; providing that engaging in sexual contact
5 with an animal constitutes a crime of violence; altering the definition of “Tier III sex
6 offender” to include a person who has been convicted of sexual contact with an
7 animal; and generally relating to sexual contact with 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 2018 Supplement)
13 (As enacted by Chapter 238 of the Acts of the General Assembly of 2018)

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Law
16 Section 14–101(a)(24) and (25)
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2018 Supplement)

19 BY adding to
20 Article – Criminal Law
21 Section 14–101(a)(26)
22 Annotated Code of Maryland
23 (2012 Replacement Volume and 2018 Supplement)

24 BY repealing and reenacting, without amendments,
25 Article – Criminal Procedure

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 11–701(a)
2 Annotated Code of Maryland
3 (2018 Replacement Volume)

4 BY repealing and reenacting, with amendments,
5 Article – Criminal Procedure
6 Section 11–701(q)(1)
7 Annotated Code of Maryland
8 (2018 Replacement Volume)

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

11 **Article – Criminal Law**

12 10–606.

13 **(A) (1) IN THIS SECTION, “SEXUAL CONTACT WITH AN ANIMAL” MEANS**
14 **ANY ACT:**

15 **(I) INVOLVING:**

16 **1. A PERSON TOUCHING THE SEX ORGAN OR ANUS OF AN**
17 **ANIMAL;**

18 **2. CONTACT BETWEEN:**

19 **A. THE SEX ORGAN OR ANUS OF A PERSON AND THE**
20 **MOUTH, SEX ORGAN, OR ANUS OF AN ANIMAL; OR**

21 **B. THE SEX ORGAN OR ANUS OF AN ANIMAL, AND THE**
22 **MOUTH, SEX ORGAN, OR ANUS OF A PERSON; OR**

23 **3. INSERTION OF:**

24 **A. ANY PART OF THE BODY OF A PERSON INTO THE**
25 **OPENING OF THE VAGINA OR ANUS OF AN ANIMAL;**

26 **B. ANY PART OF AN ANIMAL’S BODY INTO THE OPENING**
27 **OF THE VAGINA OR ANUS OF A PERSON; OR**

28 **C. ANY OBJECT INTO THE OPENING OF THE VAGINA OR**
29 **ANUS OF AN ANIMAL; AND**

30 **(II) COMMITTED FOR THE PURPOSE OF SEXUAL AROUSAL,**

1 **SEXUAL GRATIFICATION, ABUSE, OR FINANCIAL GAIN.**

2 **(2) "SEXUAL CONTACT WITH AN ANIMAL" DOES NOT INCLUDE:**

3 **(I) AN ACCEPTED VETERINARY PRACTICE;**

4 **(II) ARTIFICIAL INSEMINATION OF AN ANIMAL FOR**
5 **REPRODUCTIVE PURPOSES;**

6 **(III) ACCEPTED ANIMAL HUSBANDRY PRACTICES, INCLUDING:**

7 **1. GROOMING;**

8 **2. RAISING;**

9 **3. BREEDING;**

10 **4. ASSISTING WITH THE BIRTHING PROCESS; OR**

11 **5. ANY OTHER ACTIVITY THAT PROVIDES CARE FOR AN**
12 **ANIMAL; OR**

13 **(IV) GENERALLY ACCEPTED PRACTICES RELATING TO THE**
14 **JUDGING OF BREED CONFIRMATION.**

15 **[(a)] (B) A person may not:**

16 **(1) intentionally:**

17 **(i) mutilate AN ANIMAL;**

18 **(ii) torture AN ANIMAL;**

19 **(iii) cruelly beat AN ANIMAL; [or]**

20 **(iv) cruelly kill AN ANIMAL; OR**

21 **(V) ENGAGE IN SEXUAL CONTACT WITH an animal;**

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

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

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

4 (2) As a condition of sentencing, the court may:

5 (i) order a defendant convicted of violating this section to
6 participate in and pay for psychological counseling; and

7 (ii) prohibit a defendant from owning, possessing, or residing with
8 an animal for a specified period of time.

9 14–101.

10 (a) In this section, “crime of violence” means:

11 (24) assault with intent to commit a sexual offense in the first degree; **[and]**

12 (25) assault with intent to commit a sexual offense in the second degree;

13 **AND**

14 **(26) AGGRAVATED CRUELTY TO ANIMALS UNDER § 10–606 OF THIS**
15 **ARTICLE.**

16 **Article – Criminal Procedure**

17 11–701.

18 (a) In this subtitle the following words have the meanings indicated.

19 (q) “Tier III sex offender” means a person who has been convicted of:

20 (1) conspiring to commit, attempting to commit, or committing a violation
21 of:

22 (i) § 2–201(a)(4)(viii), (x), or (xi) of the Criminal Law Article;

23 (ii) § 3–303, § 3–304, § 3–307(a)(1) or (2), § 3–309, § 3–310, § 3–311,
24 § 3–312, § 3–315, § 3–323, **[or] § 3–602, OR § 10–606(B)(1)(V)** of the Criminal Law Article;

25 (iii) § 3–502 of the Criminal Law Article, if the victim is a minor;

26 (iv) § 3–502 of the Criminal Law Article, if the victim is an adult, and
27 the person has been ordered by the court to register under this subtitle;

1 (v) the common law offense of sodomy or § 3–322 of the Criminal
2 Law Article if the offense was committed with force or threat of force; or

3 (vi) § 3–305 or § 3–306 of the Criminal Law Article as the sections
4 existed before October 1, 2017;

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2019.