

SENATE BILL 80

E1
SB 872/24 – JPR

EMERGENCY BILL
(PRE-FILED)

5lr1397

By: ~~Senator Kramer~~ Senators Kramer and Smith

Requested: October 25, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 25, 2025

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Animal Abuse or Neglect – Penalties**

3 FOR the purpose of ~~establishing increased penalties for the abuse or neglect of an animal~~
4 ~~if the abuse or neglect results in the death or euthanasia of the animal; authorizing~~
5 ~~the court, as a condition of sentencing a certain defendant, to prohibit the defendant~~
6 ~~from owning, possessing, or residing with an animal for a certain period of time;~~
7 prohibiting a person from committing a violation of the prohibition against abusing
8 or neglecting an animal that results in the death of a domestic animal or livestock or
9 the need to euthanize the domestic animal or livestock; authorizing a court to impose
10 certain conditions of sentencing and probation; and generally relating to animal
11 abuse and neglect.

12 BY ~~repealing and reenacting, with amendments,~~ adding to

13 Article – Criminal Law

14 Section ~~10-604~~ 10-604.1

15 Annotated Code of Maryland

16 (2021 Replacement Volume and 2024 Supplement)

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

18 That the Laws of Maryland read as follows:

19 **Article – Criminal Law**

20 ~~10-604.~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(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:~~

~~(i) nutritious food in sufficient quantity;~~

~~(ii) necessary veterinary care;~~

~~(iii) proper drink;~~

~~(iv) proper air;~~

~~(v) proper space;~~

~~(vi) proper shelter; or~~

~~(vii) proper protection from the weather.~~

(b) ~~(1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:~~

~~(I) FOR A VIOLATION THAT DOES NOT RESULT IN THE DEATH OF AN ANIMAL OR THE NEED TO EUTHANIZE THE ANIMAL, imprisonment not exceeding 90 days or a fine not exceeding \$1,000 or both; OR~~

~~(II) FOR A VIOLATION OF THIS SECTION THAT RESULTS IN THE DEATH OF AN ANIMAL OR THE NEED TO EUTHANIZE THE ANIMAL BASED ON THE RECOMMENDATION OF A LICENSED VETERINARIAN, IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH, IF THE DECISION TO EUTHANIZE THE ANIMAL IS VALIDATED, BEFORE OR AFTER THE EUTHANASIA OF THE ANIMAL BY:~~

~~1. A SECOND LICENSED VETERINARIAN; OR~~

~~2. IF THE ANIMAL IS A LIVESTOCK OR AGRICULTURAL ANIMAL, THE STATE VETERINARIAN.~~

~~(2) As a condition of sentencing OF A DEFENDANT CONVICTED OF VIOLATING THIS SECTION, the court may:~~

~~(i) order [a] THE defendant [convicted of violating this section] to:~~

~~[(i)] 1. participate in and pay for psychological counseling; and~~

~~[(ii)] 2. 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; AND~~

~~(ii) PROHIBIT THE DEFENDANT FROM OWNING, POSSESSING, OR RESIDING WITH AN ANIMAL FOR A PERIOD OF TIME DETERMINED BY THE COURT.~~

~~(3) As a condition of probation, the court may prohibit a defendant from owning, possessing, or residing with an animal FOR A PERIOD OF TIME DETERMINED BY THE COURT.~~

10-604.1.

(A) A PERSON MAY NOT COMMIT A VIOLATION OF § 10-604 OF THIS SUBTITLE THAT RESULTS IN:

(1) THE DEATH OF A DOMESTIC ANIMAL OR LIVESTOCK; OR

(2) THE NEED TO EUTHANIZE A DOMESTIC ANIMAL OR LIVESTOCK BASED ON THE RECOMMENDATION OF A LICENSED VETERINARIAN, IF THE DECISION TO EUTHANIZE THE DOMESTIC ANIMAL OR LIVESTOCK IS VALIDATED BEFORE OR AFTER THE EUTHANASIA BY A SECOND LICENSED VETERINARIAN.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(C) AS A CONDITION OF SENTENCING OF A DEFENDANT CONVICTED OF VIOLATING THIS SECTION, THE COURT MAY:

(1) ORDER THE DEFENDANT TO:

(i) PARTICIPATE IN AND PAY FOR PSYCHOLOGICAL COUNSELING; AND

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

4 (2) PROHIBIT THE DEFENDANT FROM OWNING, POSSESSING, OR
5 RESIDING WITH AN ANIMAL FOR A PERIOD OF TIME DETERMINED BY THE COURT.

6 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
7 ~~October 1, 2025.~~

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
9 measure, is necessary for the immediate preservation of the public health or safety, has
10 been passed by a yea and nay vote supported by three-fifths of all the members elected to
11 each of the two Houses of the General Assembly, and shall take effect from the date it is
12 enacted.

Approved:

_____ Governor.

_____ President of the Senate.

_____ Speaker of the House of Delegates.