

SENATE BILL 445

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2lr1710
CF HB 336

By: **Senators Colburn and Mathias**

Introduced and read first time: February 2, 2012

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Animal Cruelty – Assignment and Costs of Animal**

3 FOR the purpose of requiring a court to order a defendant convicted of a certain
4 charge of animal cruelty, as a condition of sentencing, to assign ownership of a
5 certain animal to the agency or organization that confiscated the animal for
6 disposal at the discretion of that agency or organization and to pay, in addition
7 to any other fines and costs, all reasonable costs incurred in removing, feeding,
8 housing, treating, or euthanizing an animal confiscated from the defendant; and
9 generally relating to animal cruelty.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 10–606, 10–607, and 10–608
13 Annotated Code of Maryland
14 (2002 Volume and 2011 Supplement)

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

17 **Article – Criminal Law**

18 10–606.

19 (a) A person may not:

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

7 (I) **SHALL ORDER A DEFENDANT CONVICTED OF VIOLATING**
8 **THIS SECTION TO:**

9 1. **ASSIGN OWNERSHIP OF ANY ANIMAL SUBJECTED**
10 **TO CRUELTY UNDER THIS SECTION TO THE AGENCY OR ORGANIZATION THAT**
11 **CONFISCATED THE ANIMAL FOR DISPOSAL AT THE DISCRETION OF THAT**
12 **AGENCY OR ORGANIZATION; AND**

13 2. **PAY, IN ADDITION TO ANY OTHER FINES AND**
14 **COSTS, ALL REASONABLE COSTS INCURRED IN REMOVING, FEEDING, HOUSING,**
15 **TREATING, OR EUTHANIZING AN ANIMAL CONFISCATED FROM THE DEFENDANT;**
16 **AND**

17 (II) may order a defendant convicted of violating this section to
18 participate in and pay for psychological counseling.

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

21 10-607.

22 (a) A person may not:

23 (1) use or allow a dog to be used in a dogfight;

24 (2) arrange or conduct a dogfight;

25 (3) possess, own, sell, transport, or train a dog with the intent to use
26 the dog in a dogfight; or

27 (4) knowingly allow premises under the person's ownership, charge, or
28 control to be used to conduct a dogfight.

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

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

2 **(I) SHALL ORDER A DEFENDANT CONVICTED OF VIOLATING**
3 **THIS SECTION TO:**

4 **1. ASSIGN OWNERSHIP OF ANY DOG SUBJECTED TO**
5 **CRUELTY UNDER THIS SECTION TO THE AGENCY OR ORGANIZATION THAT**
6 **CONFISCATED THE DOG FOR DISPOSAL AT THE DISCRETION OF THAT AGENCY**
7 **OR ORGANIZATION; AND**

8 **2. PAY, IN ADDITION TO ANY OTHER FINES AND**
9 **COSTS, ALL REASONABLE COSTS INCURRED IN REMOVING, FEEDING, HOUSING,**
10 **TREATING, OR EUTHANIZING A DOG CONFISCATED FROM THE DEFENDANT; AND**

11 **(II) may order a defendant convicted of violating this section to**
12 **participate in and pay for psychological counseling.**

13 10–608.

14 (a) (1) In this section, “implement of cockfighting” means any implement
15 or device intended or designed:

16 (i) to enhance the fighting ability of a fowl, cock, or other bird;
17 or

18 (ii) for use in a deliberately conducted event that uses a fowl,
19 cock, or other bird to fight with another fowl, cock, or other bird.

20 (2) “Implement of cockfighting” includes:

21 (i) a gaff;

22 (ii) a slasher;

23 (iii) a postiza;

24 (iv) a sparring muff; and

25 (v) any other sharp implement designed to be attached in place
26 of the natural spur of a gamecock or other fighting bird.

27 (b) A person may not:

28 (1) use or allow the use of a fowl, cock, or other bird to fight with
29 another animal;

1 (2) possess, with the intent to unlawfully use, an implement of
2 cockfighting;

3 (3) arrange or conduct a fight in which a fowl, cock, or other bird fights
4 with another fowl, cock, or other bird;

5 (4) possess, own, sell, transport, or train a fowl, cock, or other bird
6 with the intent to use the fowl, cock, or other bird in a cockfight; or

7 (5) knowingly allow premises under the person's ownership, charge, or
8 control to be used to conduct a fight in which a fowl, cock, or other bird fights with
9 another fowl, cock, or other bird.

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

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

14 (I) **SHALL ORDER A DEFENDANT CONVICTED OF VIOLATING**
15 **THIS SECTION TO:**

16 **1. ASSIGN OWNERSHIP OF ANY FOWL, COCK, OR**
17 **OTHER BIRD SUBJECTED TO CRUELTY UNDER THIS SECTION TO THE AGENCY OR**
18 **ORGANIZATION THAT CONFISCATED THE ANIMAL FOR DISPOSAL AT THE**
19 **DISCRETION OF THAT AGENCY OR ORGANIZATION; AND**

20 **2. PAY, IN ADDITION TO ANY OTHER FINES AND**
21 **COSTS, ALL REASONABLE COSTS INCURRED IN REMOVING, FEEDING, HOUSING,**
22 **TREATING, OR EUTHANIZING A FOWL, COCK, OR OTHER BIRD CONFISCATED**
23 **FROM THE DEFENDANT; AND**

24 (II) may order a defendant convicted of violating this section to
25 participate in and pay for psychological counseling.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2012.