

HOUSE BILL 234

E1

(PRE-FILED)

1lr1412
CF SB 607

By: **Delegate Williams**

Requested: October 30, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2021

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Harm to Service Animals**

3 FOR the purpose of prohibiting a person from ~~intentionally or recklessly~~ killing, injuring,
4 or interfering with the use of a certain service animal in a certain manner, or
5 allowing a certain animal to kill, injure, or interfere with the use of a certain service
6 animal in a certain manner; establishing penalties for a violation of this Act;
7 ~~requiring~~ authorizing a court to order a certain defendant to pay certain restitution
8 as a condition of sentencing; providing for the application of this Act; and generally
9 relating to harmful acts committed against service animals.

10 BY repealing and reenacting, with amendments,

11 Article – Criminal Law

12 Section 10–603

13 Annotated Code of Maryland

14 (2012 Replacement Volume and 2020 Supplement)

15 BY adding to

16 Article – Criminal Law

17 Section 10–626

18 Annotated Code of Maryland

19 (2012 Replacement Volume and 2020 Supplement)

20 BY repealing and reenacting, without amendments,

21 Article – Human Services

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.



Section 7–701(a) and (g)
Annotated Code of Maryland
(2019 Replacement Volume and 2020 Supplement)

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

Article – Criminal Law

10–603.

Sections 10–601 through 10–608 AND 10–626 of this subtitle do not apply to:

(1) customary and normal veterinary and agricultural husbandry practices including dehorning, castration, tail docking, and limit feeding;

(2) research conducted in accordance with protocols approved by an animal care and use committee, as required under the federal Animal Welfare Act or the federal Health Research Extension Act;

(3) an activity that may cause unavoidable physical pain to an animal, including food processing, pest elimination, animal training, and hunting, if the person performing the activity uses the most humane method reasonably available; or

(4) normal human activities in which the infliction of pain to an animal is purely incidental and unavoidable.

10–626.

(A) IN THIS SECTION, “SERVICE ANIMAL” HAS THE MEANING STATED IN § 7–701 OF THE HUMAN SERVICES ARTICLE.

(B) A PERSON MAY NOT ~~INTENTIONALLY OR RECKLESSLY~~ WILLFULLY AND MALICIOUSLY:

(1) KILL A SERVICE ANIMAL OR ALLOW AN ANIMAL THAT THE PERSON OWNS OR OVER WHICH THE PERSON HAS IMMEDIATE CONTROL TO KILL A SERVICE ANIMAL;

(2) INJURE A SERVICE ANIMAL OR ALLOW AN ANIMAL THAT THE PERSON OWNS OR OVER WHICH THE PERSON HAS IMMEDIATE CONTROL TO INJURE A SERVICE ANIMAL; OR

(3) INTERFERE WITH THE USE OF A SERVICE ANIMAL OR ALLOW AN ANIMAL THAT THE PERSON OWNS OR OVER WHICH THE PERSON HAS IMMEDIATE CONTROL TO INTERFERE WITH THE USE OF A SERVICE ANIMAL ~~BY OBSTRUCTING,~~

~~INTIMIDATING, OR OTHERWISE JEOPARDIZING THE SAFETY OF THE SERVICE ANIMAL OR ITS HANDLER.~~

(c) (1) A PERSON WHO VIOLATES SUBSECTION (B)(1) OR (2) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING ~~5~~ 2 YEARS OR A FINE NOT EXCEEDING ~~\$5,000~~ \$2,500 OR BOTH.

(2) A PERSON WHO VIOLATES SUBSECTION (B)(3) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

~~(2)~~ (3) AS A CONDITION OF SENTENCING, THE COURT ~~SHALL~~ MAY ORDER A DEFENDANT CONVICTED OF VIOLATING THIS SECTION TO PAY, IN ADDITION TO FINES AND COSTS, FULL RESTITUTION FOR ALL DAMAGES ARISING OUT OF THE OFFENSE, INCLUDING:

(I) THE VALUE OF THE SERVICE ANIMAL;

(II) REPLACEMENT AND TRAINING OR RETRAINING EXPENSES FOR THE SERVICE ANIMAL AND HANDLER;

(III) VETERINARY AND OTHER MEDICAL AND BOARDING EXPENSES FOR THE SERVICE ANIMAL;

(IV) MEDICAL EXPENSES FOR THE HANDLER; AND

(V) LOST WAGES OR INCOME INCURRED BY THE HANDLER DURING ANY PERIOD THAT THE HANDLER IS WITHOUT THE SERVICES OF THE SERVICE ANIMAL.

Article – Human Services

7–701.

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

(g) “Service animal” means a guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including:

(1) guiding individuals with impaired vision;

(2) alerting individuals with impaired hearing to an intruder or sounds;

- 1 (3) providing minimal protection or rescue work;
- 2 (4) pulling a wheelchair;
- 3 (5) fetching dropped items; or
- 4 (6) detecting the onset of a seizure.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.