

HOUSE BILL 234

E1

1lr1412

(PRE-FILED)

By: **Delegate Williams**

Requested: October 30, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

A BILL ENTITLED

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 a court to order a certain defendant to pay certain restitution as a condition
8 of sentencing; and generally relating to harmful acts committed against service
9 animals.

10 BY adding to
11 Article – Criminal Law
12 Section 10–626
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2020 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Human Services
17 Section 7–701(a) and (g)
18 Annotated Code of Maryland
19 (2019 Replacement Volume and 2020 Supplement)

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

22 **Article – Criminal Law**

23 **10–626.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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:

(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 THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(2) AS A CONDITION OF SENTENCING, THE COURT SHALL 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.

1 7-701.

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

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

6 (1) guiding individuals with impaired vision;

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

8 (3) providing minimal protection or rescue work;

9 (4) pulling a wheelchair;

10 (5) fetching dropped items; or

11 (6) detecting the onset of a seizure.

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