

SENATE BILL 80

E1, E2

(PRE-FILED)

7lr1043
CF 7lr1050

By: **Senator Mathias**

Requested: November 2, 2016

Introduced and read first time: January 11, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Animal Abuse – Penalties and Restitution**

3 FOR the purpose of prohibiting a person from committing certain abusive acts involving a
4 certain number of animals; establishing certain penalties; authorizing a court to
5 order a person convicted or found to have committed a delinquent act under this Act
6 to pay restitution to a certain governmental unit or other entity for certain expenses
7 incurred as a result of the violation; authorizing a court to order a certain minor, the
8 minor's parent, or both to pay certain restitution under certain circumstances;
9 authorizing a court to order, as a condition of pretrial release, that a certain
10 defendant surrender all animals to a certain sheriff's department; providing for the
11 construction of certain provisions of this Act; providing that certain provisions of law
12 relating to an order of restitution apply to this Act; and generally relating to animal
13 abuse.

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Law
16 Section 10–604 and 10–606
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2016 Supplement)

19 BY adding to
20 Article – Criminal Procedure
21 Section 5–201(c)
22 Annotated Code of Maryland
23 (2008 Replacement Volume and 2016 Supplement)

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

26 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 10-604.

2 (a) A person may not:

3 (1) overdrive or overload an animal;

4 (2) deprive an animal of necessary sustenance;

5 (3) inflict unnecessary suffering or pain on an animal;

6 (4) cause, procure, or authorize an act prohibited under item (1), (2), or (3)
7 of this subsection; or

8 (5) if the person has charge or custody of an animal, as owner or otherwise,
9 unnecessarily fail to provide the animal with nutritious food in sufficient quantity,
10 necessary veterinary care, proper drink, air, space, shelter, or protection from the weather.

11 (b) **A PERSON MAY NOT VIOLATE SUBSECTION (A) OF THIS SECTION**
12 **INVOLVING 10 OR MORE ANIMALS.**

13 (c) (1) A person who violates **SUBSECTION (A) OF** this section is guilty of a
14 misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine
15 not exceeding \$1,000 or both.

16 (2) **A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS**
17 **GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
18 **EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,500 OR BOTH.**

19 (3) As a condition of sentencing, the court may order a defendant convicted
20 of violating this section to participate in and pay for psychological counseling.

21 [(3)] (4) As a condition of probation, the court may prohibit a defendant
22 from owning, possessing, or residing with an animal.

23 (d) (1) **IN ADDITION TO THE PENALTIES PROVIDED IN SUBSECTION (C) OF**
24 **THIS SECTION, A PERSON CONVICTED OR FOUND TO HAVE COMMITTED A**
25 **DELINQUENT ACT UNDER THIS SECTION MAY BE ORDERED BY THE COURT TO PAY**
26 **RESTITUTION TO A GOVERNMENTAL UNIT, HUMANE SOCIETY, OR OTHER ENTITY OR**
27 **PERSON FOR THE ACTUAL VALUE OF EXPENSES FOR HOUSING, SHELTER, MEDICAL**
28 **EXPENSES, AND OTHER RELATED COSTS REASONABLY INCURRED AS A RESULT OF A**
29 **VIOLATION OF THIS SECTION.**

1 **(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT THE RIGHT**
2 **OF A PERSON TO RESTITUTION UNDER TITLE 11, SUBTITLE 6 OF THE CRIMINAL**
3 **PROCEDURE ARTICLE.**

4 **(3) (I) IF A PERSON CONVICTED OR FOUND TO HAVE COMMITTED A**
5 **DELINQUENT ACT UNDER THIS SECTION IS A MINOR, THE COURT MAY ORDER THE**
6 **MINOR, THE MINOR'S PARENT, OR BOTH TO PAY THE RESTITUTION DESCRIBED IN**
7 **PARAGRAPH (1) OF THIS SUBSECTION.**

8 **(II) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE**
9 **PROVISIONS OF TITLE 11, SUBTITLE 6 OF THE CRIMINAL PROCEDURE ARTICLE**
10 **APPLY TO AN ORDER OF RESTITUTION UNDER THIS PARAGRAPH.**

11 10-606.

12 (a) A person may not:

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

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

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

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

21 (2) As a condition of sentencing, the court may order a defendant convicted
22 of violating this section to participate in and pay for psychological counseling.

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

25 **(C) (1) IN ADDITION TO THE PENALTY PROVIDED IN SUBSECTION (B) OF**
26 **THIS SECTION, A PERSON CONVICTED OR FOUND TO HAVE COMMITTED A**
27 **DELINQUENT ACT UNDER THIS SECTION MAY BE ORDERED BY THE COURT TO PAY**
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10 **APPLY TO AN ORDER OF RESTITUTION UNDER THIS PARAGRAPH.**

11 **Article – Criminal Procedure**

12 5–201.

13 **(C) FOR A DEFENDANT CHARGED WITH A VIOLATION UNDER § 10–604 OR §**
14 **10–606 OF THE CRIMINAL LAW ARTICLE, THE COURT MAY ORDER, AS A CONDITION**
15 **OF PRETRIAL RELEASE, THAT THE DEFENDANT SURRENDER ALL ANIMALS TO THE**
16 **SHERIFF'S DEPARTMENT OF THE COUNTY IN WHICH THE ANIMALS ARE LOCATED.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2017.