

SENATE BILL 607

E1

(11r2698)

ENROLLED BILL

— *Judicial Proceedings/Judiciary* —

Introduced by **Senator Jackson**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

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

11 BY repealing and reenacting, with amendments,

12 Article – Criminal Law

13 Section 10–603

14 Annotated Code of Maryland

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.

Italics indicate opposite chamber/conference committee amendments.



(2012 Replacement Volume and 2020 Supplement)

BY adding to

Article – Criminal Law

Section 10–626

Annotated Code of Maryland

(2012 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,

Article – Human Services

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; ~~OR~~

(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; ~~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;

(3) providing minimal protection or rescue work;

(4) pulling a wheelchair;

(5) fetching dropped items; or

(6) detecting the onset of a seizure.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.