

SENATE BILL 37

E2
SB 203/12 – JPR

(PRE-FILED)

3lr0666

By: **Senator Zirkin**

Requested: October 26, 2012

Introduced and read first time: January 9, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Animal Cruelty – Payment of Costs**

3 FOR the purpose of authorizing a court to order a defendant convicted of a certain
4 charge of animal cruelty, as a condition of sentencing, to pay, in addition to any
5 other fines and costs, all reasonable costs incurred in removing, housing,
6 treating, or euthanizing an animal confiscated from the defendant; and
7 generally relating to animal cruelty.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 10–604, 10–606, 10–607, and 10–608
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2012 Supplement)

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

15 **Article – Criminal Law**

16 10–604.

17 (a) A person may not:

18 (1) overdrive or overload an animal;

19 (2) deprive an animal of necessary sustenance;

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

7 (b) (1) A person who violates this section is guilty of a misdemeanor and
8 on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding
9 \$1,000 or both.

10 (2) As a condition of sentencing, the court may order a defendant
11 convicted of violating this section to:

12 (I) participate in and pay for psychological counseling; AND

13 (II) PAY, IN ADDITION TO ANY OTHER FINES AND COSTS, ALL
14 REASONABLE COSTS INCURRED IN REMOVING, HOUSING, TREATING, OR
15 EUTHANIZING AN ANIMAL CONFISCATED FROM THE DEFENDANT.

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

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

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

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

29 (2) As a condition of sentencing, the court may order a defendant
30 convicted of violating this section to:

31 (I) participate in and pay for psychological counseling; AND

1 **(II) PAY, IN ADDITION TO ANY OTHER FINES AND COSTS, ALL**
2 **REASONABLE COSTS INCURRED IN REMOVING, HOUSING, TREATING, OR**
3 **EUTHANIZING AN ANIMAL CONFISCATED FROM THE DEFENDANT.**

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

6 10-607.

7 (a) A person may not:

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

9 (2) arrange or conduct a dogfight;

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

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

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

17 (2) As a condition of sentencing, the court may order a defendant
18 convicted of violating this section to:

19 **(I) participate in and pay for psychological counseling; AND**

20 **(II) PAY, IN ADDITION TO ANY OTHER FINES AND COSTS, ALL**
21 **REASONABLE COSTS INCURRED IN REMOVING, HOUSING, TREATING, OR**
22 **EUTHANIZING A DOG CONFISCATED FROM THE DEFENDANT.**

23 10-608.

24 (a) (1) In this section, "implement of cockfighting" means any implement
25 or device intended or designed:

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

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

30 (2) "Implement of cockfighting" includes:

- 1 (i) a gaff;
- 2 (ii) a slasher;
- 3 (iii) a postiza;
- 4 (iv) a sparring muff; and
- 5 (v) any other sharp implement designed to be attached in place
6 of the natural spur of a gamecock or other fighting bird.

7 (b) A person may not:

- 8 (1) use or allow the use of a fowl, cock, or other bird to fight with
9 another animal;
- 10 (2) possess, with the intent to unlawfully use, an implement of
11 cockfighting;
- 12 (3) arrange or conduct a fight in which a fowl, cock, or other bird fights
13 with another fowl, cock, or other bird;
- 14 (4) possess, own, sell, transport, or train a fowl, cock, or other bird
15 with the intent to use the fowl, cock, or other bird in a cockfight; or
- 16 (5) knowingly allow premises under the person's ownership, charge, or
17 control to be used to conduct a fight in which a fowl, cock, or other bird fights with
18 another fowl, cock, or other bird.

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

22 (2) As a condition of sentencing, the court may order a defendant
23 convicted of violating this section to:

24 (I) participate in and pay for psychological counseling; AND

25 (II) **PAY, IN ADDITION TO ANY OTHER FINES AND COSTS, ALL**
26 **REASONABLE COSTS INCURRED IN REMOVING, HOUSING, TREATING, OR**
27 **EUTHANIZING A FOWL, COCK, OR OTHER BIRD CONFISCATED FROM THE**
28 **DEFENDANT.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2013.