

# SENATE BILL 37

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SB 203/12 – JPR

(PRE-FILED)

3lr0666  
CF HB 865

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By: **Senator Zirkin**

Requested: October 26, 2012

Introduced and read first time: January 9, 2013

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 6, 2013

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## CHAPTER \_\_\_\_\_

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;

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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.



1 (2) deprive an animal of necessary sustenance;

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

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

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

9 (b) (1) A person who violates this section is guilty of a misdemeanor and  
10 on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding  
11 \$1,000 or both.

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

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

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

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

20 10-606.

21 (a) A person may not:

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

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

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

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

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

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

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

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

9 10–607.

10 (a) A person may not:

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

12 (2) arrange or conduct a dogfight;

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

15 (4) knowingly allow premises under the person’s ownership, charge, or  
16 control to be used to conduct a dogfight.

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

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

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

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

26 10–608.

27 (a) (1) In this section, “implement of cockfighting” means any implement  
28 or device intended or designed:

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

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

3 (2) "Implement of cockfighting" includes:

4 (i) a gaff;

5 (ii) a slasher;

6 (iii) a postiza;

7 (iv) a sparring muff; and

8 (v) any other sharp implement designed to be attached in place  
9 of the natural spur of a gamecock or other fighting bird.

10 (b) A person may not:

11 (1) use or allow the use of a fowl, cock, or other bird to fight with  
12 another animal;

13 (2) possess, with the intent to unlawfully use, an implement of  
14 cockfighting;

15 (3) arrange or conduct a fight in which a fowl, cock, or other bird fights  
16 with another fowl, cock, or other bird;

17 (4) possess, own, sell, transport, or train a fowl, cock, or other bird  
18 with the intent to use the fowl, cock, or other bird in a cockfight; or

19 (5) knowingly allow premises under the person's ownership, charge, or  
20 control to be used to conduct a fight in which a fowl, cock, or other bird fights with  
21 another fowl, cock, or other bird.

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

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

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

28 (II) PAY, IN ADDITION TO ANY OTHER FINES AND COSTS, ALL  
29 REASONABLE COSTS INCURRED IN REMOVING, HOUSING, TREATING, OR

1 EUTHANIZING A FOWL, COCK, OR OTHER BIRD CONFISCATED FROM THE  
2 DEFENDANT.

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.