

SENATE BILL 115

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11r0902
CF 11r0439

By: **Senators Robey, Raskin, Forehand, Madaleno, Manno, Rosapepe, Shank, and Stone**

Introduced and read first time: January 21, 2011

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Abuse or Neglect of Animals – Sentencing Conditions**

3 FOR the purpose of authorizing a court, as a condition of sentencing for certain
4 violations concerning the abuse or neglect of animals, to prohibit a certain
5 defendant from owning, possessing, or residing with an animal for a certain
6 period; and generally relating to animal cruelty.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Law
9 Section 10–604 and 10–606
10 Annotated Code of Maryland
11 (2002 Volume and 2010 Supplement)

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

14 **Article – Criminal Law**

15 10–604.

16 (a) A person may not:

17 (1) overdrive or overload an animal;

18 (2) deprive an animal of necessary sustenance;

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

8 (2) As a condition of sentencing, the court may:

9 (I) order a defendant convicted of violating this section to
10 participate in and pay for psychological counseling; **AND**

11 **(II) PROHIBIT A DEFENDANT CONVICTED OF VIOLATING**
12 **THIS SECTION FROM OWNING, POSSESSING, OR RESIDING WITH AN ANIMAL FOR**
13 **A SPECIFIED PERIOD OF TIME.**

14 10-606.

15 (a) A person may not:

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

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

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

22 (b) (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:

26 (I) order a defendant convicted of violating this section to
27 participate in and pay for psychological counseling; **AND**

28 **(II) PROHIBIT A DEFENDANT CONVICTED OF VIOLATING**
29 **THIS SECTION FROM OWNING, POSSESSING, OR RESIDING WITH AN ANIMAL FOR**
30 **A SPECIFIED PERIOD OF TIME, INCLUDING THE LIFE OF THE DEFENDANT.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2011.