

# HOUSE BILL 212

E2, E1

8lr1295  
CF SB 1038

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By: **Delegates Moon, Atterbeary, Glass, Malone, Parrott, Proctor, Sanchez, and Sydnor**

Introduced and read first time: January 18, 2018

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2018

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

1 AN ACT concerning

2 **Criminal Law – Animal Cruelty – Sentencing Conditions ~~and Selling Ban~~**

3 FOR the purpose of authorizing a court as a condition of ~~probation~~ sentencing to prohibit a  
4 defendant convicted of certain crimes relating to cruelty against animals from  
5 owning, possessing, or residing with an animal for a specified period of time,  
6 ~~including the life of the defendant; prohibiting a person convicted of certain crimes~~  
7 ~~relating to cruelty against animals from selling, offering for sale, or trading an~~  
8 ~~animal, with a certain exception; and generally relating to animal cruelty.~~

9 BY repealing and reenacting, with amendments,

10 Article – Criminal Law

11 Section 10–606, 10–607, 10–607.1, and 10–608

12 Annotated Code of Maryland

13 (2012 Replacement Volume and 2017 Supplement)

14 ~~BY adding to~~

15 ~~Article – Criminal Law~~

16 ~~Section 10–608.1~~

17 ~~Annotated Code of Maryland~~

18 ~~(2012 Replacement Volume and 2017 Supplement)~~

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

20 That the Laws of Maryland read as follows:

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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.



## Article – Criminal Law

10–606.

(a) A person may not:

(1) intentionally:

(i) mutilate;

(ii) torture;

(iii) cruelly beat; or

(iv) cruelly kill an animal;

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

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

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

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

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

~~(3) As a condition of probation, the court may~~

(II) prohibit a defendant from owning, possessing, or residing with an animal **FOR A SPECIFIED PERIOD OF TIME, INCLUDING THE LIFE OF THE DEFENDANT.**

10–607.

(a) In this section, “baiting” means using a dog to train a fighting dog or to test the fighting or killing instinct of another dog.

(b) A person may not:

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

1 (2) arrange or conduct a dogfight;

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

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

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

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

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

12 ~~(3) AS A CONDITION OF PROBATION, THE COURT MAY~~

13 ~~(II) PROHIBIT A DEFENDANT FROM OWNING, POSSESSING, OR~~  
14 ~~RESIDING WITH AN ANIMAL FOR A SPECIFIED PERIOD OF TIME, INCLUDING THE LIFE~~  
15 ~~OF THE DEFENDANT.~~

16 10-607.1.

17 (a) (1) In this section, "implement of dogfighting" means an implement, an  
18 object, a device, or a drug intended or designed:

19 (i) to enhance the fighting ability of a dog; or

20 (ii) for use in a deliberately conducted event that uses a dog to fight  
21 with another dog.

22 (2) "Implement of dogfighting" includes:

23 (i) a breaking stick designed for insertion behind the molars of a dog  
24 to break the dog's grip on another animal or object;

25 (ii) a cat mill that rotates around a central support with one arm  
26 designed to secure a dog and one arm designed to secure a cat, rabbit, or other small animal  
27 beyond the grasp of the dog;

28 (iii) a springpole that has a biting surface attached to a stretchable  
29 device, suspended at a height sufficient to prevent an animal from reaching the biting  
30 surface while touching the ground;

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1 (iv) a fighting pit or other confined area designed to contain a  
2 dogfight;

3 (v) a breeding stand or rape stand used to immobilize female dogs  
4 for breeding purposes; and

5 (vi) any other instrument or device that is commonly used in the  
6 training for, in the preparation for, in the conditioning for, in the breeding for, in the  
7 conducting of, or otherwise in furtherance of a dogfight.

8 (b) A person may not possess, with the intent to unlawfully use, an implement of  
9 dogfighting.

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

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

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

16 ~~(3) AS A CONDITION OF PROBATION, THE COURT MAY~~

17 (II) PROHIBIT A DEFENDANT FROM OWNING, POSSESSING, OR  
18 RESIDING WITH AN ANIMAL FOR A SPECIFIED PERIOD OF TIME, ~~INCLUDING THE LIFE~~  
19 ~~OF THE DEFENDANT.~~

20 ~~{(3)}~~ (4) Each implement of dogfighting possessed in violation of this  
21 section is a separate offense.

22 10-608.

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

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

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

28 (2) "Implement of cockfighting" includes:

29 (i) a gaff;

30 (ii) a slasher;

1 (iii) a postiza;

2 (iv) a sparring muff; and

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

5 (b) A person may not:

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

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

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

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

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

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

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

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

23 ~~(3) AS A CONDITION OF PROBATION, THE COURT MAY~~

24 ~~(II) PROHIBIT A DEFENDANT FROM OWNING, POSSESSING, OR~~  
25 ~~RESIDING WITH AN ANIMAL FOR A SPECIFIED PERIOD OF TIME, INCLUDING THE LIFE~~  
26 ~~OF THE DEFENDANT.~~

27 ~~10-608.1~~

28 ~~(A) EXCEPT TO DISPOSE OF AN ANIMAL IN ACCORDANCE WITH A COURT~~  
29 ~~ORDER, A PERSON MAY NOT SELL, OFFER FOR SALE, OR TRADE AN ANIMAL IF THE~~

1 ~~PERSON HAS PREVIOUSLY BEEN CONVICTED OF VIOLATING § 10-606, § 10-607,~~  
2 ~~§ 10-607.1, OR § 10-608 OF THIS SUBTITLE.~~

3 ~~(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR~~  
4 ~~AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A~~  
5 ~~FINE NOT EXCEEDING \$2,500 OR BOTH.~~

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2018.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.