

# SENATE BILL 1038

E2, E1

8lr1532  
CF HB 212

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By: **Senators Smith, Benson, Brochin, Cassilly, Guzzone, Madaleno, Manno, Muse, Ramirez, Ready, and Zucker**

Introduced and read first time: February 5, 2018

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 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 sentencing to prohibit a defendant  
4 convicted of certain crimes relating to cruelty against animals from owning,  
5 possessing, or residing with an animal for a specified period of time, ~~including the~~  
6 ~~life of the defendant; prohibiting a person convicted of certain crimes relating to~~  
7 ~~cruelty against animals from selling, offering for sale, or trading an animal, with a~~  
8 ~~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.



1 **Article – Criminal Law**

2 10–606.

3 (a) A person may not:

4 (1) intentionally:

5 (i) mutilate;

6 (ii) torture;

7 (iii) cruelly beat; or

8 (iv) cruelly kill an animal;

9 (2) cause, procure, or authorize an act prohibited under item (1) of this  
10 subsection; or11 (3) except in the case of self–defense, intentionally inflict bodily harm,  
12 permanent disability, or death on an animal owned or used by a law enforcement unit.13 (b) (1) A person who violates this section is guilty of the felony of aggravated  
14 cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a  
15 fine not exceeding \$5,000 or both.

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

17 **(I)** order a defendant convicted of violating this section to  
18 participate in and pay for psychological counseling; **AND**19 ~~(3) **(II)** As a condition of [probation] SENTENCING, the court may~~  
20 prohibit a defendant from owning, possessing, or residing with an animal **FOR A**  
21 **SPECIFIED PERIOD OF TIME, INCLUDING THE LIFE OF THE DEFENDANT.**

22 10–607.

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

25 (b) A person may not:

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

27 (2) arrange or conduct a dogfight;

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

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

5 (c) (1) A person who violates this section is guilty of the felony of aggravated  
6 cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a  
7 fine not exceeding \$5,000 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 ~~(3) (II) AS A CONDITION OF SENTENCING, THE COURT MAY~~  
12 ~~PROHIBIT A DEFENDANT FROM OWNING, POSSESSING, OR RESIDING WITH AN~~  
13 ~~ANIMAL FOR A SPECIFIED PERIOD OF TIME, INCLUDING THE LIFE OF THE~~  
14 ~~DEFENDANT.~~

15 10-607.1.

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

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

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

21 (2) "Implement of dogfighting" includes:

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

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

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

30 (iv) a fighting pit or other confined area designed to contain a  
31 dogfight;

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

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

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

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

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

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

14 ~~(3) (II) AS A CONDITION OF SENTENCING, THE COURT MAY~~  
15 ~~PROHIBIT A DEFENDANT FROM OWNING, POSSESSING, OR RESIDING WITH AN~~  
16 ~~ANIMAL FOR A SPECIFIED PERIOD OF TIME, INCLUDING THE LIFE OF THE~~  
17 ~~DEFENDANT.~~

18 ~~[(3)] (4)~~ Each implement of dogfighting possessed in violation of this  
19 section is a separate offense.

20 10-608.

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

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

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

26 (2) "Implement of cockfighting" includes:

27 (i) a gaff;

28 (ii) a slasher;

29 (iii) a postiza;

30 (iv) a sparring muff; and

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

3 (b) A person may not:

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

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

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

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

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

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

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

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

21 ~~(3) (II) AS A CONDITION OF SENTENCING, THE COURT MAY~~  
22 ~~PROHIBIT A DEFENDANT FROM OWNING, POSSESSING, OR RESIDING WITH AN~~  
23 ~~ANIMAL FOR A SPECIFIED PERIOD OF TIME, INCLUDING THE LIFE OF THE~~  
24 ~~DEFENDANT.~~

25 ~~10-608.1.~~

26 ~~(A) EXCEPT TO DISPOSE OF AN ANIMAL IN ACCORDANCE WITH A COURT~~  
27 ~~ORDER, A PERSON MAY NOT SELL, OFFER FOR SALE, OR TRADE AN ANIMAL IF THE~~  
28 ~~PERSON HAS PREVIOUSLY BEEN CONVICTED OF VIOLATING § 10-606, § 10-607,~~  
29 ~~§ 10-607.1, OR § 10-608 OF THIS SUBTITLE.~~

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.