

SENATE BILL 872

E1
SB 85/23 – JPR

4lr1802

By: **Senator Kramer**

Introduced and read first time: February 2, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Animal Abuse or Neglect – Penalties**

3 FOR the purpose of establishing increased penalties for the abuse or neglect of an animal
4 if the abuse or neglect results in the death or euthanasia of the animal; authorizing
5 the court, as a condition of sentencing a certain defendant, to prohibit the defendant
6 from owning, possessing, or residing with an animal for a certain period of time; and
7 generally relating to animal abuse and neglect.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 10–604
11 Annotated Code of Maryland
12 (2021 Replacement Volume and 2023 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 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;

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(5) if the person has charge or custody of an animal, as owner or otherwise, unnecessarily fail to provide the animal with:

(i) nutritious food in sufficient quantity;

(ii) necessary veterinary care;

(iii) proper drink;

(iv) proper air;

(v) proper space;

(vi) proper shelter; or

(vii) proper protection from the weather.

(b) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(I) FOR A VIOLATION THAT DOES NOT RESULT IN THE DEATH OF AN ANIMAL OR THE NEED TO EUTHANIZE THE ANIMAL BASED ON THE RECOMMENDATION OF TWO LICENSED VETERINARIANS, imprisonment not exceeding 90 days or a fine not exceeding \$1,000 or both; OR

(II) FOR A VIOLATION OF THIS SECTION THAT RESULTS IN THE DEATH OF AN ANIMAL OR THE NEED TO EUTHANIZE THE ANIMAL BASED ON THE RECOMMENDATION OF A LICENSED VETERINARIAN, IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH, IF THE DECISION TO EUTHANIZE THE ANIMAL IS VALIDATED, BEFORE OR AFTER THE EUTHANASIA OF THE ANIMAL BY:

1. A SECOND LICENSED VETERINARIAN; OR

2. IF THE ANIMAL IS A LIVESTOCK OR AGRICULTURAL ANIMAL, THE STATE VETERINARIAN.

(2) As a condition of sentencing **OF A DEFENDANT CONVICTED OF VIOLATING THIS SECTION**, the court may:

(I) order [a] THE defendant [convicted of violating this section] to:

[(i)] 1. participate in and pay for psychological counseling; and

1 [(ii)] 2. pay, in addition to any other fines and costs, all reasonable
2 costs incurred in removing, housing, treating, or euthanizing an animal confiscated from
3 the defendant; AND

4 (II) PROHIBIT THE DEFENDANT FROM OWNING, POSSESSING, OR
5 RESIDING WITH AN ANIMAL FOR A PERIOD OF TIME DETERMINED BY THE COURT.

6 (3) As a condition of probation, the court may prohibit a defendant from
7 owning, possessing, or residing with an animal **FOR A PERIOD OF TIME DETERMINED BY**
8 **THE COURT.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2024.