

# SENATE BILL 827

E1

4lr2099

---

By: **Senator Pugh**

Introduced and read first time: January 31, 2014

Assigned to: Judicial Proceedings

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 9, 2014

---

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

1 AN ACT concerning

2 **Criminal Law – Possession of Dangerous or Wild Animals**

3 FOR the purpose of altering the list of entities and individuals to which certain  
4 provisions relating to dangerous or wild animals, including a prohibition on  
5 importing into the State, offering for sale, trading, bartering, possessing,  
6 breeding, or exchanging certain animals, do not apply; ~~establishing that certain~~  
7 ~~provisions relating to dangerous animals do not prohibit the holder of a certain~~  
8 ~~federal exhibitor's license from importing into the State, offering for sale,~~  
9 ~~trading, bartering, possessing, breeding, or exchanging certain animals;~~  
10 ~~prohibiting a person from allowing a member of the public to come in direct~~  
11 ~~contact with certain animals; requiring an owner of certain animals to report~~  
12 ~~certain potential exposures to disease to the local animal control authority~~  
13 ~~within a certain period of time~~ prohibiting certain holders of a certain federal  
14 exhibitor's license from possessing certain animals not possessed on a certain  
15 date; authorizing certain holders of a certain federal exhibitor's license to  
16 possess or breed certain animals if certain conditions are met; requiring rather  
17 than authorizing a local animal control authority to take certain steps to find  
18 long-term placement of certain seized animals; and generally relating to the  
19 possession of dangerous or wild animals.

20 BY repealing and reenacting, with amendments,  
21 Article – Criminal Law  
22 Section 10–621  
23 Annotated Code of Maryland  
24 (2012 Replacement Volume and 2013 Supplement)

---

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

3 **Article – Criminal Law**

4 10-621.

5 (a) (1) [This] **EXCEPT AS PROVIDED IN SUBSECTION (B)(2) OF THIS**  
6 **SECTION, THIS** section does not apply to:

7 (i) a research facility or federal research facility licensed under  
8 the federal Animal Welfare Act;

9 (ii) ~~[an exhibitor licensed under the federal Animal Welfare Act~~  
10 ~~that displays the animals specified in subsection (b) of this section in a public setting~~  
11 ~~as the exhibitor's primary function]~~ **AN INSTITUTION ACCREDITED BY THE**  
12 **ASSOCIATION OF ZOOS AND AQUARIUMS OR A CERTIFIED RELATED FACILITY**  
13 **THAT COORDINATES AN ASSOCIATION OF ZOOS AND AQUARIUMS SPECIES**  
14 **SURVIVAL PLAN FOR THE BREEDING OF SPECIES LISTED AS THREATENED OR**  
15 **ENDANGERED UNDER 16 U.S.C. 1533;**

16 (iii) ~~a person who possesses a valid license or permit issued by~~  
17 ~~the Department of Natural Resources to import, sell, trade, barter, possess, breed, or~~  
18 ~~exchange an animal specified in subsection (b) of this section;~~

19 (iv) ~~an animal sanctuary that:~~

20 ~~1. is a nonprofit organization qualified under § 501(c)(3)~~  
21 ~~of the Internal Revenue Code;~~

22 ~~2. operates a place of refuge for abused, neglected,~~  
23 ~~impounded, abandoned, orphaned, or displaced wildlife;~~

24 ~~3. does not conduct commercial activity with respect to~~  
25 ~~any animal of which the organization is an owner; [and]~~

26 ~~4. does not buy, sell, trade, lease, or breed any animal~~  
27 ~~except as an integral part of [the species survival plan of the American Zoo and~~  
28 ~~Aquarium Association]~~ **AN ASSOCIATION OF ZOOS AND AQUARIUMS SPECIES**  
29 **SURVIVAL PLAN; AND**

30 ~~5. DOES NOT ALLOW MEMBERS OF THE PUBLIC TO~~  
31 ~~BE IN PROXIMITY TO AN ANIMAL SPECIFIED UNDER SUBSECTION (B) OF THIS~~  
32 ~~SECTION, INCLUDING OPPORTUNITIES TO BE PHOTOGRAPHED WITH THE~~  
33 ~~ANIMAL, WITHOUT SUFFICIENT DISTANCE AND PROTECTIVE BARRIERS;~~

1 ~~(v) an animal control officer under the jurisdiction of the State~~  
2 ~~or a local governing authority, a law enforcement officer acting under the authority of~~  
3 ~~this subtitle, or a private contractor of a county or municipal corporation that is~~  
4 ~~responsible for animal control operations;~~

5 ~~(vi) a person who holds a valid license to practice veterinary~~  
6 ~~medicine in the State and treats the animal specified in subsection (b) of this section~~  
7 ~~in accordance with customary and normal veterinary practices; [and]~~

8 ~~(vii) a person who is not a resident of the State and is in the~~  
9 ~~State for 10 days or less for the purpose of traveling between locations outside of the~~  
10 ~~State; AND~~

11 ~~(VIII) A CIRCUS HOLDING A CLASS C EXHIBITOR'S LICENSE~~  
12 ~~UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. §§ 2131 ET SEQ., THAT:~~

13 ~~1. IS IN THE STATE FOR LESS THAN 90 DAYS PER~~  
14 ~~CALENDAR YEAR;~~

15 ~~2. REGULARLY CONDUCTS PERFORMANCES~~  
16 ~~FEATURING LIVE ANIMALS AND MULTIPLE HUMAN ENTERTAINERS INCLUDING~~  
17 ~~ACROBATS AND CLOWNS; AND~~

18 ~~3. DOES NOT ALLOW MEMBERS OF THE PUBLIC TO~~  
19 ~~BE IN PROXIMITY TO AN ANIMAL SPECIFIED UNDER SUBSECTION (B) OF THIS~~  
20 ~~SECTION, INCLUDING OPPORTUNITIES TO BE PHOTOGRAPHED WITH THE~~  
21 ~~ANIMAL, WITHOUT SUFFICIENT DISTANCE AND PROTECTIVE BARRIERS.~~

22 ~~(2) (i) This section does not prohibit a person who had lawful~~  
23 ~~possession of an animal specified in subsection (b) of this section on or before May 31,~~  
24 ~~2006, from continuing to possess that animal if the person provides written~~  
25 ~~notification to the local animal control authority on or before August 1, 2006.~~

26 ~~(ii) The notification shall include:~~

27 ~~1. the person's name, address, and telephone number;~~

28 ~~2. the number and type of animals being kept; and~~

29 ~~3. a photograph of the animal or a description of a tattoo~~  
30 ~~or microchip identification of the animal.~~

31 ~~(3) This section does not prohibit a person who has a disability that~~  
32 ~~severely limits mobility from possessing an animal specified in subsection (b) of this~~  
33 ~~section if that animal is:~~

1                   (i) ~~trained to perform tasks for the owner by an organization~~  
2 ~~described in Section 501(c) of the Internal Revenue Code; and~~

3                   (ii) ~~dedicated to improving the quality of life of a person who has~~  
4 ~~a disability that severely limits mobility.~~

5                   **~~(4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,~~**  
6 **~~THIS SECTION DOES NOT PROHIBIT THE HOLDER OF A CLASS C EXHIBITOR'S~~**  
7 **~~LICENSE UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. §§ 2131 ET SEQ., FROM~~**  
8 **~~IMPORTING INTO THE STATE, OFFERING FOR SALE, TRADING, BARTERING,~~**  
9 **~~POSSESSING, BREEDING, OR EXCHANGING AN ANIMAL SPECIFIED UNDER~~**  
10 **~~SUBSECTION (B) OF THIS SECTION.~~**

11                   **~~(II) A LICENSEE DESCRIBED IN SUBPARAGRAPH (I) OF THIS~~**  
12 **~~PARAGRAPH MAY NOT IMPORT INTO THE STATE, OFFER FOR SALE, TRADE,~~**  
13 **~~BARTER, POSSESS, BREED, OR EXCHANGE ANY NONHUMAN PRIMATE, BEAR,~~**  
14 **~~LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW LEOPARD, JAGUAR,~~**  
15 **~~CHEETAH, COUGAR, OR A HYBRID OF ONE OF THESE ANIMALS.~~**

16                   **~~(b) (1) A person may not import into the State, offer for sale, trade,~~**  
17 **~~barter, possess, breed, or exchange a live:~~**

18                   **~~[(1) (I) fox, skunk, raccoon, or bear;~~**

19                   **~~[(2) (II) caiman, alligator, or crocodile;~~**

20                   **~~[(3) (III) member of the cat family other than the domestic cat;~~**

21                   **~~[(4) (IV) hybrid of a member of the cat family and a domestic~~**  
22 **~~cat if the hybrid weighs over 30 pounds;~~**

23                   **~~[(5) (V) member of the dog family other than the domestic~~**  
24 **~~dog;~~**

25                   **~~[(6) (VI) hybrid of a member of the dog family and a domestic~~**  
26 **~~dog;~~**

27                   **~~[(7) (VII) nonhuman primate, including a lemur, monkey,~~**  
28 **~~chimpanzee, gorilla, orangutan, marmoset, loris, or tamarin; or~~**

29                   **~~[(8) (VIII) poisonous snake in the family groups of Hydrophidae,~~**  
30 **~~Elapidae, Viperidae, or Crotalidae.~~**

31                   **~~(2) NOTWITHSTANDING SUBSECTION (A)(1) OF THIS SECTION;~~**

1 ~~(I) A PERSON MAY NOT ALLOW A MEMBER OF THE PUBLIC~~  
2 ~~TO COME IN DIRECT CONTACT WITH AN ANIMAL SPECIFIED IN SUBSECTION~~  
3 ~~(B)(1) OF THIS SECTION; AND~~

4 ~~(II) IF THE ANIMAL POTENTIALLY EXPOSES A HUMAN TO~~  
5 ~~RABIES OR ANY OTHER ZOOBOTIC DISEASE BY PENETRATION OR ABRASION OF~~  
6 ~~THE SKIN, AN OWNER OF AN ANIMAL SPECIFIED IN PARAGRAPH (1) OF THIS~~  
7 ~~SUBSECTION SHALL REPORT THE POTENTIAL EXPOSURE TO THE LOCAL ANIMAL~~  
8 ~~CONTROL AUTHORITY WITHIN 24 HOURS AFTER THE EXPOSURE.~~

9 (ii) [an exhibitor licensed under the federal Animal Welfare Act]  
10 THE HOLDER OF A CLASS C EXHIBITOR'S LICENSE UNDER THE ANIMAL  
11 WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., that displays the animals specified in  
12 subsection (b) of this section in a public setting as the exhibitor's primary function;

13 (iii) a person who possesses a valid license or permit issued by  
14 the Department of Natural Resources to import, sell, trade, barter, possess, breed, or  
15 exchange an animal specified in subsection (b) of this section;

16 (iv) an animal sanctuary that:

17 1. is a nonprofit organization qualified under § 501(c)(3)  
18 of the Internal Revenue Code;

19 2. operates a place of refuge for abused, neglected,  
20 impounded, abandoned, orphaned, or displaced wildlife;

21 3. does not conduct commercial activity with respect to  
22 any animal of which the organization is an owner; and

23 4. does not buy, sell, trade, lease, or breed any animal  
24 except as an integral part of the species survival plan of the American Zoo and  
25 Aquarium Association;

26 (v) an animal control officer under the jurisdiction of the State  
27 or a local governing authority, a law enforcement officer acting under the authority of  
28 this subtitle, or a private contractor of a county or municipal corporation that is  
29 responsible for animal control operations;

30 (vi) a person who holds a valid license to practice veterinary  
31 medicine in the State and treats the animal specified in subsection (b) of this section  
32 in accordance with customary and normal veterinary practices; [and]

1                    (vii) a person who is not a resident of the State and is in the  
2 State for 10 days or less for the purpose of traveling between locations outside of the  
3 State; AND

4                    (VIII) A CIRCUS HOLDING A CLASS C EXHIBITOR'S LICENSE  
5 UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., THAT:

6                    1. IS IN THE STATE FOR LESS THAN 90 DAYS PER  
7 CALENDAR YEAR;

8                    2. REGULARLY CONDUCTS PERFORMANCES  
9 FEATURING LIVE ANIMALS AND MULTIPLE HUMAN ENTERTAINERS, INCLUDING  
10 ACROBATS AND CLOWNS; AND

11                    3. DOES NOT ALLOW MEMBERS OF THE PUBLIC TO  
12 BE IN PROXIMITY TO AN ANIMAL SPECIFIED UNDER SUBSECTION (B) OF THIS  
13 SECTION, INCLUDING OPPORTUNITIES TO BE PHOTOGRAPHED WITH THE  
14 ANIMAL, WITHOUT SUFFICIENT DISTANCE AND PROTECTIVE BARRIERS.

15                    (2) (i) This section does not prohibit a person who had lawful  
16 possession of an animal specified in subsection (b) of this section on or before May 31,  
17 2006, from continuing to possess that animal if the person provides written  
18 notification to the local animal control authority on or before August 1, 2006.

19                    (ii) The notification shall include:

20                    1. the person's name, address, and telephone number;  
21                    2. the number and type of animals being kept; and  
22                    3. a photograph of the animal or a description of a tattoo  
23 or microchip identification of the animal.

24                    (3) This section does not prohibit a person who has a disability that  
25 severely limits mobility from possessing an animal specified in subsection (b) of this  
26 section if that animal is:

27                    (i) trained to perform tasks for the owner by an organization  
28 described in Section 501(c) of the Internal Revenue Code; and

29                    (ii) dedicated to improving the quality of life of a person who has  
30 a disability that severely limits mobility.

31                    (b) (1) A person may not import into the State, offer for sale, trade,  
32 barter, possess, breed, or exchange a live:

1           [(1)] (I) fox, skunk, raccoon, or bear;

2           [(2)] (II) caiman, alligator, or crocodile;

3           [(3)] (III) member of the cat family other than the domestic cat;

4           [(4)] (IV) hybrid of a member of the cat family and a domestic cat if  
5 the hybrid weighs over 30 pounds;

6           [(5)] (V) member of the dog family other than the domestic dog;

7           [(6)] (VI) hybrid of a member of the dog family and a domestic dog;

8           [(7)] (VII) nonhuman primate, including a lemur, monkey,  
9 chimpanzee, gorilla, orangutan, marmoset, loris, or tamarin; or

10           [(8)] (VIII) poisonous snake in the family groups of Hydrophidae,  
11 Elapidae, Viperidae, or Crotolidae.

12           (2) (I) THIS PARAGRAPH DOES NOT APPLY TO AN ENTITY  
13 DESCRIBED IN SUBSECTION (A)(1)(I), (III), (IV), (V), (VI), (VII), OR (VIII) OF THIS  
14 SECTION.

15           (II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS  
16 PARAGRAPH, THE HOLDER OF A CLASS C EXHIBITOR'S LICENSE UNDER THE  
17 ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., MAY NOT POSSESS A  
18 NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED LEOPARD, SNOW  
19 LEOPARD, JAGUAR, CHEETAH, OR COUGAR OR A HYBRID OF ONE OF THESE  
20 ANIMALS THAT WAS NOT OWNED BY THE HOLDER OF THE LICENSE ON JUNE 30,  
21 2014.

22           (III) THE HOLDER OF A CLASS C EXHIBITOR'S LICENSE  
23 UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. § 2131 ET SEQ., MAY ACQUIRE OR  
24 BREED A NONHUMAN PRIMATE, BEAR, LION, TIGER, LEOPARD, CLOUDED  
25 LEOPARD, SNOW LEOPARD, JAGUAR, CHEETAH, OR COUGAR OR A HYBRID OF  
26 ONE OF THESE ANIMALS IF THE HOLDER:

27                   1. MAINTAINS A LIABILITY INSURANCE POLICY OF AT  
28 LEAST \$1,000,000;

29                   2. HAS A PAID FULL-TIME DIRECTOR;

30                   3. HAS AT LEAST ONE PAID FULL-TIME STAFF  
31 MEMBER TRAINED IN THE CARE OF EACH SPECIES THAT THE HOLDER KEEPS;

1                                   **4. HAS AN ANIMAL DISPOSITION POLICY THAT**  
2 **PROVIDES FOR THE PLACEMENT OF ANIMALS IN APPROPRIATE FACILITIES IF**  
3 **THE HOLDER'S FACILITY CLOSES; AND**

4                                   **5. MAINTAINS AND IMPLEMENTS A TRAINING PLAN**  
5 **REGARDING ZOO NOTIC DISEASE RISK AND PREVENTION.**

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

8                           (i)   if an individual, a fine not exceeding \$1,000; or

9                           (ii)   if not an individual, a fine not exceeding \$10,000.

10           (2)   The provisions of this section may be enforced by:

11                           (i)   any State or local law enforcement officer; or

12                           (ii)   the local animal control authority for the jurisdiction where  
13 the violation occurs.

14           (d)   (1)   An animal specified in subsection (b) of this section may be  
15 immediately seized if:

16                           (i)   there is probable cause to believe that the possession of the  
17 animal is in violation of this section; or

18                           (ii)   the animal poses a risk to public health or public safety.

19           (2)   An animal specified in subsection (b) of this section that is seized  
20 may be returned to the person who had possession of the animal at the time the  
21 animal was seized only if it is established that:

22                           (i)   possession of the animal by the person is not a violation of  
23 this section; and

24                           (ii)   the return of the animal does not pose a risk to public health  
25 or public safety.

26           (3)   (i)   Notice that the animal was seized shall be served on the  
27 person who had possession of the animal at the time the animal was seized by:

28                           1.   posting a copy of the notice at the place where the  
29 animal was seized;

30                           2.   regular and certified mail, return receipt requested; or



1                   3.     delivering the notice to a person residing on the  
2 property from which the animal was seized.

3                   (ii)    The notice shall include:

4                   1.     a description of the animal seized;

5                   2.     the authority for and the purpose of the seizure;

6                   3.     the time, place, and circumstances of the seizure;

7                   4.     a contact person and telephone number;

8                   5.     a statement that the person from whom the animal  
9 was seized may:

10                  A.     post security to prevent disposition of the animal; and

11                  B.     request a hearing concerning the seizure;

12                  6.     a statement that failure to post security or request a  
13 hearing within 10 days of the date of the notice will result in the disposition of the  
14 animal; and

15                  7.     a statement that, unless a court finds that the seizure  
16 of the animal was not justified, the actual costs of the care, keeping, and disposal of  
17 the animal are the responsibility of the person from whom the animal was seized.

18                  (4)    (i)     Before a seizure under paragraph (1) of this subsection  
19 occurs, the person in possession of the animal to be seized may request that the  
20 animal remain in the person's physical custody for 30 days after the date the animal  
21 was to be seized.

22                  (ii)    During the 30 days provided in subparagraph (i) of this  
23 paragraph, the person shall take all necessary actions to comply with this section.

24                  (iii)   At any reasonable time during the 30-day period, the local  
25 animal control authority may inspect the premises where the animal is being kept.

26                  (5)    (i)     If a person who retains possession of an animal under  
27 paragraph (4) of this subsection is not in compliance with this section after the 30-day  
28 period has expired, the local animal control authority shall seize the animal and place  
29 it in a holding facility that is appropriate for the species.

30                  (ii)    The authority seizing an animal under this paragraph shall  
31 provide notice of the seizure in the same manner as provided in paragraph (3) of this  
32 subsection.

1                   (6)   (i)    A person from whom an animal was seized may request a  
2 hearing in the District Court within 10 days of the seizure.

3                               (ii)   A hearing shall be held as soon as practicable to determine  
4 the validity of the seizure and the disposition of the animal.

5                   (7)   (i)    Unless the court finds that the seizure of the animal was not  
6 justified by law, a person from whom the animal specified in subsection (b) of this  
7 section is seized is liable for all actual costs of care, keeping, and disposal of the  
8 animal.

9                               (ii)   The costs required under this paragraph shall be paid in full  
10 unless a mutually satisfactory agreement is made between the local animal control  
11 authority and the person claiming an interest in the animal.

12                   (8)   (i)    If there is no request for a hearing within 10 days of the  
13 notice or if the court orders a permanent and final disposition of the animal, the local  
14 animal control authority ~~may~~ **SHALL** take steps to find long-term placement of the  
15 animal with another appropriate facility that is equipped for the continued care of the  
16 particular species of the animal.

17                               (ii)   If there is no entity that is suitable for the care of the  
18 animal, the animal may be euthanized.

19                   (e)    This section does not limit a county or municipality from enacting laws or  
20 adopting regulations that are more restrictive pertaining to any potentially dangerous  
21 animals, including those specified in subsection (b) of this section.

22                   (f)    If the owner of an animal specified in subsection (b) of this section dies  
23 without making arrangements for the transfer of custody of the animal to another  
24 person, the animal may be turned over to one of the organizations specified in  
25 subsection (a)(1) of this section or euthanized if no suitable location can be found in a  
26 reasonable amount of time.

27                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 ~~October~~ July 1, 2014.