

SENATE BILL 59

E1

(PRE-FILED)

6lr0536
CF 6lr1106

By: **Senator Simonaire**

Requested: July 30, 2015

Introduced and read first time: January 13, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Aggravated Cruelty to Animals in the Presence of a Minor**

3 FOR the purpose of prohibiting a person from committing certain acts against an animal
4 when the person knows or reasonably should know that a minor of a certain age is
5 present; establishing certain circumstances under which a minor is present;
6 establishing penalties for a violation of this Act; making certain conforming changes;
7 and generally relating to cruelty to animals.

8 BY repealing and reenacting, with amendments,

9 Article – Criminal Law

10 Section 10–606

11 Annotated Code of Maryland

12 (2012 Replacement Volume and 2015 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 10–606.

17 (a) A person may not:

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) (1) A PERSON MAY NOT VIOLATE SUBSECTION (A) OF THIS SECTION**
2 **WHEN THE PERSON KNOWS OR REASONABLY SHOULD KNOW THAT A MINOR WHO IS**
3 **AT LEAST 2 YEARS OLD IS PRESENT.**

4 **(2) FOR THE PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION, A**
5 **MINOR IS PRESENT IF THE MINOR IS WITHIN SIGHT OR HEARING OF THE CRIME OF**
6 **AGGRAVATED CRUELTY TO ANIMALS.**

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

10 **[(2)** As a condition of sentencing, the court may order a defendant convicted
11 of violating this section to participate in and pay for psychological counseling.

12 **(3)** As a condition of probation, the court may prohibit a defendant from
13 owning, possessing, or residing with an animal.]

14 **(D) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY**
15 **OF THE FELONY OF AGGRAVATED CRUELTY TO ANIMALS IN THE PRESENCE OF A**
16 **MINOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5**
17 **YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

18 **(E) (1) AS A CONDITION OF SENTENCING, THE COURT MAY ORDER A**
19 **DEFENDANT CONVICTED OF VIOLATING THIS SECTION TO PARTICIPATE IN AND PAY**
20 **FOR PSYCHOLOGICAL COUNSELING.**

21 **(2) AS A CONDITION OF PROBATION, THE COURT MAY PROHIBIT A**
22 **DEFENDANT FROM OWNING, POSSESSING, OR RESIDING WITH AN ANIMAL.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2016.