

HB0749/522610/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 749
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Family Law – Divorce – Ownership of a Pet” and substitute “Annulment and Divorce – Property Disposition – Pets”; strike beginning with “grant” in line 4 down through “possession” in line 9 and substitute “resolve any dispute between the parties with respect to the ownership of a pet and grant a decree that states what the ownership interest of each party is; authorizing the court to transfer ownership of an interest in a pet; authorizing the court to award to either party access rights to a pet under certain circumstances; exempting a provision concerning a pet from a certain limitation on the duration of a certain provision in a certain order or decree; altering a certain definition”; strike beginning with “determining” in line 10 down through “proceeding” in line 11 and substitute “property disposition in annulment and divorce and pets”; in line 14, strike “8-202” and substitute “8-201(a) and 8-205(a)”; after line 16, insert:

“BY repealing and reenacting, with amendments,

Article – Family Law

Section 8-201(d), 8-202, and 8-210(a)

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)”;

and in line 19, strike “8-202.1” and substitute “8-201(f)”.

AMENDMENT NO. 2

On page 1, after line 24, insert:

“8-201.

(a) In this subtitle the following words have the meanings indicated.

(Over)

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(d) (1) “Family use personal property” means tangible personal property:

(i) acquired during the marriage;

(ii) owned by 1 or both of the parties; and

(iii) used primarily for family purposes.

(2) “Family use personal property” includes:

(i) motor vehicles;

(ii) furniture;

(iii) furnishings; [and]

(iv) household appliances; AND

(v) PETS.

(3) “Family use personal property” does not include property:

(i) acquired by inheritance or gift from a third party; or

(ii) excluded by valid agreement.

(F) (1) “PET” MEANS A DOMESTICATED ANIMAL.

(2) “PET” DOES NOT INCLUDE LIVESTOCK.”.

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On page 2, after line 13, insert:

“(C) WHEN THE COURT DETERMINES THE OWNERSHIP OF A PET UNDER THIS SECTION OR TRANSFERS OWNERSHIP OF A PET UNDER § 8-205 OF THIS SUBTITLE, THE COURT MAY AWARD TO EITHER PARTY ACCESS RIGHTS TO THE PET.”

On pages 2 and 3, strike in their entirety the lines beginning with line 14 on page 2 through line 7 on page 3, inclusive.

On page 3, after line 7, insert:

“8-205.

(a) (1) Subject to the provisions of subsection (b) of this section, after the court determines which property is marital property, and the value of the marital property, the court may transfer ownership of an interest in property described in paragraph (2) of this subsection, grant a monetary award, or both, as an adjustment of the equities and rights of the parties concerning marital property, whether or not alimony is awarded.

(2) The court may transfer ownership of an interest in:

(i) a pension, retirement, profit sharing, or deferred compensation plan, from one party to either or both parties;

(ii) subject to the consent of any lienholders, family use personal property, from one or both parties to either or both parties; and

(iii) subject to the terms of any lien, real property jointly owned by the parties and used as the principal residence of the parties when they lived together, by:

(Over)

1. ordering the transfer of ownership of the real property or any interest of one of the parties in the real property to the other party if the party to whom the real property is transferred obtains the release of the other party from any lien against the real property;

2. authorizing one party to purchase the interest of the other party in the real property, in accordance with the terms and conditions ordered by the court; or

3. both.

8-210.

(a) (1) In any order or decree, or any modification of an order or decree, a provision that concerns the family home or, EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, family use personal property shall terminate no later than 3 years after the date on which the court grants an annulment or a limited or absolute divorce.

(2) The 3-year limitation set out in paragraph (1) of this subsection applies to a limited divorce notwithstanding the subsequent granting of an absolute divorce.

(3) THE 3-YEAR LIMITATION SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A PROVISION THAT CONCERNS PETS.”