

# HOUSE BILL 1062

E1, E2

(2lr1158)

## *ENROLLED BILL*

— *Judiciary/Judicial Proceedings* —

Introduced by **Delegate Moon**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

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

1 AN ACT concerning

2 **Criminal Law – Animal Cruelty – Petition for Costs for Care of Seized Animal**

3 FOR the purpose of establishing procedures to authorize a certain officer or agent of a  
4 humane society or a police officer or certain public official to file a petition to recover  
5 reasonable costs of care from the owner or custodian of a certain seized animal; and  
6 generally relating to animal cruelty.

7 BY repealing and reenacting, with amendments,

8 Article – Criminal Law

9 Section 10–615

10 Annotated Code of Maryland

11 (2021 Replacement Volume and 2021 Supplement)

12 BY adding to

13 Article – Criminal Law

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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.

*Italics* indicate opposite chamber/conference committee amendments.



1 Section 10–615.1  
2 Annotated Code of Maryland  
3 (2021 Replacement Volume and 2021 Supplement)

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

6 **Article – Criminal Law**

7 10–615.

8 (a) If an owner or custodian of an animal is convicted of an act of animal cruelty,  
9 the court may order the [removal] **SEIZURE** of the animal or any other animal at the time  
10 of conviction for the protection of the animal.

11 (b) (1) An officer or authorized agent of a humane society, or a police officer or  
12 other public official required to protect animals may seize an animal if necessary to protect  
13 the animal from cruelty.

14 (2) (i) An animal that a medical and scientific research facility  
15 possesses may be [removed] **SEIZED** under this subsection only after review by and a  
16 recommendation from the Maryland Department of Health, Center for Veterinary Public  
17 Health.

18 (ii) The Maryland Department of Health shall:

19 1. conduct an investigation within 24 hours after receiving a  
20 complaint; and

21 2. within 24 hours after completing the investigation, report  
22 to the State’s Attorney for the county in which the facility is situated.

23 (c) (1) If an animal is impounded, yarded, or confined without necessary food,  
24 water, or proper attention, is subject to cruelty, or is neglected, an officer or authorized  
25 agent of a humane society, a police officer, another public official required to protect  
26 animals, or any invited and accompanying veterinarian licensed in the State, may:

27 (i) enter the place where the animal is located and supply the  
28 animal with necessary food, water, and attention; or

29 (ii) [remove] **SEIZE** the animal if [removal] **SEIZURE** is necessary  
30 for the health of the animal.

31 (2) A person who enters a place under paragraph (1) of this subsection is  
32 not liable because of the entry.

1 (d) (1) A person who [removes] SEIZES an animal under subsection (c) of this  
2 section shall notify the animal's owner or custodian **BY PERSONAL SERVICE OR**  
3 **CERTIFIED MAIL WITHIN 24 HOURS** of:

4 (i) the [removal] SEIZURE; ~~and~~

5 (ii) any administrative remedies that may be available to the owner  
6 or custodian; **AND**

7 **(III) IF AN ADMINISTRATIVE REMEDY IS NOT AVAILABLE, THE**  
8 **RIGHT TO PETITION THE COURT FOR THE RETURN OF THE ANIMAL UNDER**  
9 **PARAGRAPH (2) OF THIS SUBSECTION, INCLUDING INSTRUCTIONS DESCRIBING HOW**  
10 **TO PETITION THE COURT FOR THE RETURN OF THE ANIMAL.**

11 (2) If an administrative remedy is not available, the owner or custodian  
12 may file a petition for the return of the animal in the District Court of the county in which  
13 the [removal] SEIZURE occurred within 10 days after the [removal] SEIZURE.

14 (e) An animal is considered a stray **AND WILL BE FORFEITED TO A PERSON**  
15 **WHO IS AUTHORIZED TO SEIZE THE ANIMAL** if:

16 (1) an owner or custodian of the animal was notified under subsection (d)  
17 of this section and failed to file a petition within 10 days after [removal] SEIZURE; or

18 (2) the owner or custodian of the animal is unknown and cannot be  
19 ascertained by reasonable effort for [20 days] **72 HOURS** to determine the owner or  
20 custodian.

21 (f) This section does not allow:

22 (1) entry into a private dwelling; or

23 (2) [removal of a farm animal] without the prior recommendation of a  
24 veterinarian licensed in the State, **SEIZURE OF:**

25 **(I) LIVESTOCK, AS DEFINED BY § 1-101 OF THE AGRICULTURE**  
26 **ARTICLE;**

27 **(II) POULTRY, AS DEFINED BY § 1-101 OF THE AGRICULTURE**  
28 **ARTICLE; OR**

29 **(III) A DOG THAT IS ACTIVELY ENGAGED IN LIVESTOCK HERDING**  
30 **OR GUARDING.**

1 (g) In Baltimore County, the Baltimore County Department of Health, Division  
2 of Animal Control or an organization that the Baltimore County government approves shall  
3 enforce this section.

4 **10-615.1.**

5 (A) IN THIS SECTION, "OWNER" MEANS A PERSON WHO CAN PROVE LEGAL  
6 TITLE TO OR OWNERSHIP OF AN ANIMAL AT ISSUE ON THE DATE OF THE SEIZURE.

7 (B) (1) *(I)* IF AN ANIMAL IS SEIZED UNDER § 10-615 OF THIS SUBTITLE  
8 AND THE OWNER HAS FILED A PETITION FOR RETURN OF THE ANIMAL, AN OFFICER  
9 OR AUTHORIZED AGENT OF A HUMANE SOCIETY, OR A POLICE OFFICER OR ANY  
10 OTHER PUBLIC OFFICIAL REQUIRED TO PROTECT ANIMALS WHO REPRESENTS THE  
11 SEIZING PERSON, MAY FILE A PETITION TO JOIN A PROCEEDING CONDUCTED UNDER  
12 § 10-615(D)(2) OF THIS SUBTITLE FOR THE REASONABLE COSTS OF CARING FOR THE  
13 ANIMAL, INCLUDING THE PROVISION OF FOOD, WATER, SHELTER, AND MEDICAL  
14 CARE.

15 (II) IF LIVESTOCK, AS DEFINED BY § 1-101 OF THE  
16 AGRICULTURE ARTICLE, IS SEIZED UNDER § 10-615 OF THIS SUBTITLE AND THE  
17 OWNER HAS NOT FILED A PETITION FOR RETURN OF THE ANIMAL, AN OFFICER OR  
18 AUTHORIZED AGENT OF A HUMANE SOCIETY, OR A POLICE OFFICER OR ANY OTHER  
19 PUBLIC OFFICIAL REQUIRED TO PROTECT ANIMALS WHO REPRESENTS THE SEIZING  
20 PERSON, SHALL FILE A PETITION FOR THE CONTINUED POSSESSION OF THE  
21 LIVESTOCK AND REASONABLE COSTS FOR CARING FOR THE LIVESTOCK, INCLUDING  
22 THE PROVISION OF FOOD, WATER, SHELTER, AND MEDICAL CARE.

23 (2) A PETITION FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION  
24 SHALL BE FILED NOT LESS THAN 10 DAYS BUT NOT MORE THAN 30 DAYS AFTER THE  
25 SEIZURE OF AN ANIMAL UNDER § 10-615 OF THIS SUBTITLE.

26 (3) WITHIN 7 DAYS AFTER FILING A PETITION UNDER THIS  
27 SUBSECTION, THE PETITIONER SHALL SERVE A COPY OF THE PETITION ON THE  
28 OWNER OR CUSTODIAN OF THE ANIMAL BY PERSONAL SERVICE OR BY REGISTERED  
29 MAIL TO:

30 (I) THE OWNER'S OR CUSTODIAN'S MAILING ADDRESS;

31 (II) THE PLACE OF BUSINESS OF THE OWNER'S OR CUSTODIAN'S  
32 COUNSEL OF RECORD; OR

33 (III) IF THE OWNER OR CUSTODIAN IS DETAINED PRETRIAL, THE  
34 DETENTION FACILITY WHERE THE OWNER OR CUSTODIAN IS LOCATED.

1           **(C) ON RECEIPT OF A PETITION FILED UNDER § 10-615(D)(2) OF THIS**  
2 **SUBTITLE OR SUBSECTION (B)(1) OF THIS SECTION, THE COURT SHALL SET A DATE**  
3 **FOR A HEARING TO DETERMINE:**

4           **(1) WHETHER THE SEIZURE OF THE ANIMAL WAS WARRANTED;**

5           **(2) WHETHER THE CONTINUED POSSESSION BY THE PETITIONER IS**  
6 **WARRANTED;**

7           **(3) THE RESPONSIBILITY OF THE OWNER OR CUSTODIAN FOR THE**  
8 **REASONABLE COSTS OF CARE FOR THE SEIZED ANIMAL; AND**

9           **(4) WHETHER THE OWNER OR CUSTODIAN MAY BE ALLOWED TO OWN**  
10 **OR POSSESS A NEW ANIMAL DURING THE PENDING PROCEEDING AND UNTIL THE**  
11 **DISPOSITION OF ANY CRIMINAL CHARGES RELATING TO THE SEIZURE.**

12           **(D) (1) A HEARING UNDER SUBSECTION (C) OF THIS SECTION SHALL BE**  
13 **SCHEDULED NOT LESS THAN 14 DAYS BUT NOT MORE THAN 21 DAYS FROM THE**  
14 **SERVICE OF THE PETITION.**

15           **(2) WITHIN 7 DAYS AFTER THE SCHEDULING OF THE HEARING DATE,**  
16 **A PETITIONER SHALL SERVE NOTICE OF THE HEARING DATE ON THE OWNER OR**  
17 **CUSTODIAN OF THE SEIZED ANIMAL IN THE MANNER DESCRIBED UNDER**  
18 **SUBSECTION (B)(3) OF THIS SECTION.**

19           **(E) AT THE HEARING UNDER SUBSECTION (C) OF THIS SECTION, THE**  
20 **PETITIONER SHALL DEMONSTRATE BY A PREPONDERANCE OF THE EVIDENCE:**

21           **(1) THE AMOUNT OF REASONABLE COSTS OF CARE FOR THE SEIZED**  
22 **ANIMAL;**

23           **(2) THAT THE SEIZURE OF THE ANIMAL WAS WARRANTED; AND**

24           **(3) THAT THE CONTINUED POSSESSION OF THE ANIMAL BY THE**  
25 **PETITIONER IS WARRANTED.**

26           **(F) DURING A HEARING UNDER SUBSECTION (C) OF THIS SECTION, THE**  
27 **OWNER OR CUSTODIAN OF THE SEIZED ANIMAL SHALL HAVE THE OPPORTUNITY TO:**

28           **(1) OBJECT TO THE EVIDENCE PRESENTED BY THE PETITIONER; AND**

29           **(2) REQUEST AN ALTERNATIVE DISPOSITION OF THE ANIMAL.**

1           **(G) (1) (I) NOT LATER THAN 5 DAYS AFTER THE ~~COMMENCEMENT~~**  
2 **CONCLUSION OF A HEARING UNDER § 10-615(D)(2) OF THIS SUBTITLE OR**  
3 **SUBSECTION (B)(1) OF THIS SECTION, THE COURT SHALL ISSUE AN ORDER**  
4 **GRANTING OR DENYING THE PETITIONS.**

5                           **(II) REASONABLE COSTS OF CARE FOR A SEIZED ANIMAL SHALL**  
6 **BE LIMITED TO \$15 PER DAY PER ANIMAL, IN ADDITION TO NECESSARY MEDICAL**  
7 **CARE, AS DETERMINED BY A LICENSED VETERINARIAN AND DOCUMENTED BY**  
8 **INVOICES.**

9                           **(III) NECESSARY MEDICAL CARE MAY NOT EXCEED \$50 PER DAY**  
10 **PER ANIMAL.**

11                           **(IV) IF THE COURT AWARDS PAYMENT OF THE REASONABLE**  
12 **COST OF CARE OF THE SEIZED ANIMAL TO THE PETITIONER, THE COURT SHALL:**

13                                   **1. ORDER THE OWNER OR CUSTODIAN OF THE SEIZED**  
14 **ANIMAL TO PAY ANY FILING FEES PAID BY THE PETITIONER TO FILE THE PETITION**  
15 **UNDER SUBSECTION (B) OF THIS SECTION AND THE AMOUNT OF REASONABLE COSTS**  
16 **OF CARE; AND**

17                                   **2. INFORM THE OWNER OR CUSTODIAN OF THE ANIMAL**  
18 **OF THE RIGHT TO PETITION FOR AN ADJUSTMENT OF THE AMOUNT OF COSTS FOR**  
19 **CARE UNDER PARAGRAPH (5) OF THIS SUBSECTION.**

20                           **(V) IF THE COURT FINDS THAT THE SEIZURE OF AN ANIMAL WAS**  
21 **WARRANTED, THE COURT MAY PROHIBIT THE OWNER OR CUSTODIAN OF THE**  
22 **ANIMAL FROM OWNING OR POSSESSING A NEW ANIMAL UNTIL THE CONCLUSION OF**  
23 **ANY CRIMINAL PROCEEDINGS RELATED TO THE SEIZURE OF THE ANIMAL.**

24                           **(2) (I) THE COURT ORDER FOR FILING FEES AND COSTS OF CARE**  
25 **SHALL INCLUDE A SCHEDULE OF MONTHLY PAYMENTS TO BE PAID BY THE OWNER**  
26 **OR CUSTODIAN TO THE CLERK OF THE COURT BEGINNING 30 DAYS AFTER THE**  
27 **INITIAL PAYMENT DESIGNATED IN THE ORDER.**

28                           **(II) THE PETITIONER SHALL BE ELIGIBLE TO DRAW FUNDS**  
29 **HELD BY THE CLERK OF THE COURT TO REIMBURSE ITS ACTUAL COSTS INCURRED**  
30 **FOR CARE OF THE ANIMAL.**

31                           **(III) PAYMENTS SHALL CONTINUE UNTIL TERMINATION UNDER**  
32 **SUBSECTION (I) OF THIS SECTION.**

33                           **(IV) UNLESS THE PROCEEDING INVOLVES NOT MORE THAN TWO**  
34 **ANIMALS AND THE ONLY CHARGES ARE NEGLECT, THE ABILITY TO PAY BY THE**

1 OWNER OR CUSTODIAN MAY NOT AFFECT THE COURT'S DETERMINATION AS TO THE  
2 AMOUNT OF THE REASONABLE COSTS OF CARE.

3 (3) (I) NOT LATER THAN 14 DAYS AFTER SERVICE OF THE COURT  
4 ORDER, THE OWNER OR CUSTODIAN SHALL BEGIN TO MAKE PAYMENTS TO THE  
5 CLERK OF THE COURT IN ACCORDANCE WITH THE COURT ORDER.

6 (II) THE OWNER OR CUSTODIAN SHALL CONTINUE TO MAKE  
7 PAYMENTS AS REQUIRED BY THE COURT ORDER UNTIL TERMINATION UNDER  
8 SUBSECTION (I) OF THIS SECTION.

9 (4) IF AN OWNER OR A CUSTODIAN FAILS TO TIMELY PAY ANY OF THE  
10 AMOUNTS ORDERED WITHIN 30 CALENDAR DAYS:

11 (I) THE SEIZED ANIMAL FOR WHICH REASONABLE COSTS OF  
12 CARE WERE ORDERED SHALL BE AUTOMATICALLY FORFEITED, BY OPERATION OF  
13 LAW, TO THE PETITIONER; AND

14 (II) THE PETITIONER SHALL OBTAIN ALL RIGHTS AND  
15 PRIVILEGES IN AND OVER THE ANIMAL.

16 (5) (I) THE COURT, ON MOTION BY A PETITIONER OR THE OWNER  
17 OR CUSTODIAN, AND AFTER NOTICE AND A HEARING CONSISTENT WITH THIS  
18 SECTION, MAY:

19 1. DETERMINE WHETHER THE CONTINUED POSSESSION  
20 OF THE ANIMAL BY THE PETITIONER IS WARRANTED; OR

21 2. ADJUST THE AMOUNT OF COSTS FOR CARE.

22 (II) PAYMENTS BY THE OWNER OR CUSTODIAN SHALL BE  
23 SUSPENDED UNTIL THE MOTION IS DECIDED.

24 (H) (1) (I) PAYMENT FOR REASONABLE COSTS OF CARE BY THE OWNER  
25 OR CUSTODIAN OF THE SEIZED ANIMAL DOES NOT PREVENT THE PETITIONER FROM  
26 PROVIDING NECESSARY MEDICAL CARE, INCLUDING EUTHANIZING THE SEIZED  
27 ANIMAL.

28 (II) THE PETITIONER MAY EUTHANIZE A SEIZED ANIMAL IF THE  
29 PETITIONER OBTAINS A WRITTEN OPINION FROM A LOCAL LICENSED VETERINARIAN  
30 WHO STATES IT IS NECESSARY TO ALLEVIATE THE ANIMAL'S SUFFERING.

31 (III) UNLESS IMMEDIATE EUTHANASIA IS CONSIDERED  
32 NECESSARY BY A VETERINARIAN UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH,

1 REASONABLE NOTICE SHALL BE PROVIDED TO THE OWNER OR CUSTODIAN BEFORE  
2 THE ANIMAL IS EUTHANIZED.

3 (2) PAYMENT OF REASONABLE COSTS OF CARE UNDER SUBSECTION  
4 (G) OF THIS SECTION MAY NOT PREVENT THE PETITIONER FROM TRANSFERRING  
5 THE SEIZED ANIMAL TO ANOTHER FACILITY OR CARETAKER IF THE COURT IS  
6 NOTIFIED OF THE TRANSFER IN A TIMELY MANNER.

7 (I) (1) A COURT ORDER FOR COSTS SHALL TERMINATE IF:

8 (I) THE OWNER OF THE ANIMAL SURRENDERS ALL RIGHTS TO  
9 THE ANIMAL;

10 (II) THE ANIMAL IS FORFEITED TO THE PETITIONER UNDER §  
11 10-615(E) OF THIS SUBTITLE OR SUBSECTION (G)(4) OR (L) OF THIS SECTION; OR

12 (III) THE ANIMAL DIES OR IS EUTHANIZED.

13 (2) AFTER TERMINATION OF THE ORDER, ANY UNUSED FUNDS  
14 RETAINED BY THE CLERK OF THE COURT SHALL BE RETURNED TO THE OWNER OR  
15 CUSTODIAN OF THE ANIMAL.

16 (J) A PETITIONER SHALL BE IMMUNE FROM CIVIL LIABILITY FOR DAMAGES  
17 ALLEGED BY AN OWNER OR A CUSTODIAN CONCERNING THE CARE PROVIDED BY THE  
18 PETITIONER, EXCEPT FOR INTENTIONAL MISCONDUCT OR GROSS NEGLIGENCE  
19 RESULTING IN THE DEATH OF THE SEIZED ANIMAL.

20 (K) IF THE OWNER OR CUSTODIAN OF THE SEIZED ANIMAL IS ACQUITTED OF  
21 ALL CRIMINAL CHARGES AND IF ALL COSTS ORDERED TO BE PAID UNDER THIS  
22 SECTION HAVE BEEN TIMELY PAID, THE OWNER OR CUSTODIAN OF THE ANIMAL IS  
23 ENTITLED TO:

24 (1) TAKE REPOSSESSION OF THE ANIMAL; AND

25 (2) A RETURN OF ALL REASONABLE COSTS OF CARE PAID BY THE  
26 OWNER OR CUSTODIAN.

27 (L) IF THE OWNER OR CUSTODIAN OF THE SEIZED ANIMAL IS CONVICTED OF  
28 ANY CRIMINAL CHARGES BROUGHT IN RELATION TO A SEIZURE UNDER § 10-615 OF  
29 THIS SUBTITLE, ANY ANIMALS SEIZED SHALL BE FORFEITED.

30 (M) THIS SECTION MAY NOT BE CONSTRUED TO PREVENT AN OFFICER OR  
31 AUTHORIZED AGENT OF A HUMANE SOCIETY, OR A POLICE OFFICER OR OTHER  
32 PUBLIC OFFICIAL REQUIRED TO PROTECT ANIMALS, FROM SEEKING RESTITUTION



1 AS PART OF SENTENCING IF A PERSON DOES NOT SEEK COSTS OF CARE UNDER THIS  
2 SECTION.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2022.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.