

# SENATE BILL 877

E1, E2  
SB 760/21 – JPR

2lr1157  
CF 2lr1158

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By: **Senator Waldstreicher**

Introduced and read first time: February 7, 2022

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

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  
14 Section 10–615.1  
15 Annotated Code of Maryland  
16 (2021 Replacement Volume and 2021 Supplement)

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

19 **Article – Criminal Law**

20 10–615.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

8 (ii) The Maryland Department of Health shall:

9 1. conduct an investigation within 24 hours after receiving a  
10 complaint; and

11 2. within 24 hours after completing the investigation, report  
12 to the State's Attorney for the county in which the facility is situated.

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

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

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

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

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

26 (i) the [removal] **SEIZURE**; and

27 (ii) any administrative remedies that may be available to the owner  
28 or custodian.

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

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

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

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

6 (f) This section does not allow:

7 (1) entry into a private dwelling; or

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

10 (I) LIVESTOCK, AS DEFINED BY § 1-101 OF THE AGRICULTURE  
11 ARTICLE;

12 (II) POULTRY, AS DEFINED BY § 1-101 OF THE AGRICULTURE  
13 ARTICLE; OR

14 (III) A DOG THAT IS ACTIVELY ENGAGED IN LIVESTOCK HERDING  
15 OR GUARDING.

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

19 **10-615.1.**

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

22 (B) (1) IF AN ANIMAL IS SEIZED UNDER § 10-615 OF THIS SUBTITLE AND  
23 THE OWNER HAS FILED A PETITION FOR RETURN OF THE ANIMAL, AN OFFICER OR  
24 AUTHORIZED AGENT OF A HUMANE SOCIETY, OR A POLICE OFFICER OR ANY OTHER  
25 PUBLIC OFFICIAL REQUIRED TO PROTECT ANIMALS WHO REPRESENTS THE SEIZING  
26 PERSON, MAY FILE A PETITION TO JOIN A PROCEEDING CONDUCTED UNDER §  
27 10-615(D)(2) OF THIS SUBTITLE FOR THE REASONABLE COSTS OF CARING FOR THE  
28 ANIMAL, INCLUDING THE PROVISION OF FOOD, WATER, SHELTER, AND MEDICAL  
29 CARE.

30 (2) A PETITION FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION  
31 SHALL BE FILED NOT LESS THAN 10 DAYS BUT NOT MORE THAN 30 DAYS AFTER THE

1 SEIZURE OF AN ANIMAL UNDER § 10-615 OF THIS SUBTITLE.

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

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

7 (II) THE PLACE OF BUSINESS OF THE OWNER'S OR CUSTODIAN'S  
8 COUNSEL OF RECORD; OR

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

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

14 (1) WHETHER THE SEIZURE OF THE ANIMAL WAS WARRANTED;

15 (2) WHETHER THE CONTINUED POSSESSION BY THE PETITIONER IS  
16 WARRANTED;

17 (3) THE RESPONSIBILITY OF THE OWNER OR CUSTODIAN FOR THE  
18 REASONABLE COSTS OF CARE FOR THE SEIZED ANIMAL; AND

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

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

25 (2) WITHIN 7 DAYS AFTER THE SCHEDULING OF THE HEARING DATE,  
26 A PETITIONER SHALL SERVE NOTICE OF THE HEARING DATE ON THE OWNER OR  
27 CUSTODIAN OF THE SEIZED ANIMAL IN THE MANNER DESCRIBED UNDER  
28 SUBSECTION (B)(3) OF THIS SECTION.

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

1           (1)    THE AMOUNT OF REASONABLE COSTS OF CARE FOR THE SEIZED  
2 ANIMAL;

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

4           (3)    THAT THE CONTINUED POSSESSION OF THE ANIMAL BY THE  
5 PETITIONER IS WARRANTED.

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

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

9           (2)    REQUEST AN ALTERNATIVE DISPOSITION OF THE ANIMAL.

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

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

18                       (III)   NECESSARY MEDICAL CARE MAY NOT EXCEED \$50 PER DAY  
19 PER ANIMAL.

20                       (IV)   IF THE COURT AWARDS PAYMENT OF THE REASONABLE  
21 COST OF CARE OF THE SEIZED ANIMAL TO THE PETITIONER, THE COURT SHALL:

22                               1.    ORDER THE OWNER OR CUSTODIAN OF THE SEIZED  
23 ANIMAL TO PAY ANY FILING FEES PAID BY THE PETITIONER TO FILE THE PETITION  
24 UNDER SUBSECTION (B) OF THIS SECTION AND THE AMOUNT OF REASONABLE COSTS  
25 OF CARE; AND

26                               2.    INFORM THE OWNER OR CUSTODIAN OF THE ANIMAL  
27 OF THE RIGHT TO PETITION FOR AN ADJUSTMENT OF THE AMOUNT OF COSTS FOR  
28 CARE UNDER PARAGRAPH (5) OF THIS SUBSECTION.

29                       (V)    IF THE COURT FINDS THAT THE SEIZURE OF AN ANIMAL WAS  
30 WARRANTED, THE COURT MAY PROHIBIT THE OWNER OR CUSTODIAN OF THE  
31 ANIMAL FROM OWNING OR POSSESSING A NEW ANIMAL UNTIL THE CONCLUSION OF

1 ANY CRIMINAL PROCEEDINGS RELATED TO THE SEIZURE OF THE ANIMAL.

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

6 (II) THE PETITIONER SHALL BE ELIGIBLE TO DRAW FUNDS  
7 HELD BY THE CLERK OF THE COURT TO REIMBURSE ITS ACTUAL COSTS INCURRED  
8 FOR CARE OF THE ANIMAL.

9 (III) PAYMENTS SHALL CONTINUE UNTIL TERMINATION UNDER  
10 SUBSECTION (I) OF THIS SECTION.

11 (IV) UNLESS THE PROCEEDING INVOLVES NOT MORE THAN TWO  
12 ANIMALS AND THE ONLY CHARGES ARE NEGLECT, THE ABILITY TO PAY BY THE  
13 OWNER OR CUSTODIAN MAY NOT AFFECT THE COURT'S DETERMINATION AS TO THE  
14 AMOUNT OF THE REASONABLE COSTS OF CARE.

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

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

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

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

26 (II) THE PETITIONER SHALL OBTAIN ALL RIGHTS AND  
27 PRIVILEGES IN AND OVER THE ANIMAL.

28 (5) (I) THE COURT, ON MOTION BY A PETITIONER OR THE OWNER  
29 OR CUSTODIAN, AND AFTER NOTICE AND A HEARING CONSISTENT WITH THIS  
30 SECTION, MAY ADJUST THE AMOUNT OF COSTS FOR CARE.

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

1           **(H) (1) (I) PAYMENT FOR REASONABLE COSTS OF CARE BY THE OWNER**  
2 **OR CUSTODIAN OF THE SEIZED ANIMAL DOES NOT PREVENT THE PETITIONER FROM**  
3 **PROVIDING NECESSARY MEDICAL CARE, INCLUDING EUTHANIZING THE SEIZED**  
4 **ANIMAL.**

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

8                           **(III) UNLESS IMMEDIATE EUTHANASIA IS CONSIDERED**  
9 **NECESSARY BY A VETERINARIAN UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH,**  
10 **REASONABLE NOTICE SHALL BE PROVIDED TO THE OWNER OR CUSTODIAN BEFORE**  
11 **THE ANIMAL IS EUTHANIZED.**

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

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

17                           **(I) THE OWNER OF THE ANIMAL SURRENDERS ALL RIGHTS TO**  
18 **THE ANIMAL;**

19                           **(II) THE ANIMAL IS FORFEITED TO THE PETITIONER UNDER §**  
20 **10-615(E) OF THIS SUBTITLE; OR**

21                           **(III) THE ANIMAL DIES OR IS EUTHANIZED.**

22                   **(2) AFTER TERMINATION OF THE ORDER, ANY UNUSED FUNDS**  
23 **RETAINED BY THE CLERK OF THE COURT SHALL BE RETURNED TO THE OWNER OR**  
24 **CUSTODIAN OF THE ANIMAL.**

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

29           **(K) IF THE OWNER OR CUSTODIAN OF THE SEIZED ANIMAL IS ACQUITTED OF**  
30 **ALL CRIMINAL CHARGES AND IF ALL COSTS ORDERED TO BE PAID UNDER THIS**  
31 **SECTION HAVE BEEN TIMELY PAID, THE OWNER OR CUSTODIAN OF THE ANIMAL IS**  
32 **ENTITLED TO:**

1           **(1) TAKE REPOSSESSION OF THE ANIMAL; AND**

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

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

7           **(M) THIS SECTION MAY NOT BE CONSTRUED TO PREVENT AN OFFICER OR**  
8 **AUTHORIZED AGENT OF A HUMANE SOCIETY, OR A POLICE OFFICER OR OTHER**  
9 **PUBLIC OFFICIAL REQUIRED TO PROTECT ANIMALS, FROM SEEKING RESTITUTION**  
10 **AS PART OF SENTENCING IF A PERSON DOES NOT SEEK COSTS OF CARE UNDER THIS**  
11 **SECTION.**

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