

# HOUSE BILL 405

E1  
HB 1420/22 – HRU

3lr2340  
CF SB 85

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By: **Delegates Foley, Lehman, Allen, Boaf, Guyton, Simpson, Stewart, Terrasa, and Vogel**

Introduced and read first time: January 27, 2023

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Animal Abuse or Neglect – Penalties**

3 FOR the purpose of establishing increased penalties for the abuse or neglect of an animal  
4 if the abuse or neglect results in the death or euthanasia of the animal; authorizing  
5 the court, as a condition of sentencing a certain defendant, to prohibit the defendant  
6 from owning, possessing, or residing with an animal for a certain period of time; and  
7 generally relating to animal abuse and neglect.

8 BY repealing and reenacting, with amendments,  
9 Article – Criminal Law  
10 Section 10–604  
11 Annotated Code of Maryland  
12 (2021 Replacement Volume and 2022 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 10–604.

17 (a) A person may not:

18 (1) overdrive or overload an animal;

19 (2) deprive an animal of necessary sustenance;

20 (3) inflict unnecessary suffering or pain on an animal;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) cause, procure, or authorize an act prohibited under item (1), (2), or (3)  
2 of this subsection; or

3 (5) if the person has charge or custody of an animal, as owner or otherwise,  
4 unnecessarily fail to provide the animal with:

5 (i) nutritious food in sufficient quantity;

6 (ii) necessary veterinary care;

7 (iii) proper drink;

8 (iv) proper air;

9 (v) proper space;

10 (vi) proper shelter; or

11 (vii) proper protection from the weather.

12 (b) (1) A person who violates this section is guilty of a misdemeanor and on  
13 conviction is subject to:

14 **(I) FOR A VIOLATION THAT DOES NOT RESULT IN THE DEATH OF**  
15 **AN ANIMAL OR THE NEED TO EUTHANIZE THE ANIMAL BASED ON THE**  
16 **RECOMMENDATION OF A LICENSED VETERINARIAN, imprisonment not exceeding 90**  
17 **days or a fine not exceeding \$1,000 or both; OR**

18 **(II) FOR A VIOLATION OF THIS SECTION THAT RESULTS IN THE**  
19 **DEATH OF AN ANIMAL OR THE NEED TO EUTHANIZE THE ANIMAL BASED ON THE**  
20 **RECOMMENDATION OF A LICENSED VETERINARIAN, IMPRISONMENT NOT**  
21 **EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

22 (2) As a condition of sentencing **OF A DEFENDANT CONVICTED OF**  
23 **VIOLATING THIS SECTION**, the court may:

24 **(I) order [a] THE defendant [convicted of violating this section] to:**

25 **[(i)] 1. participate in and pay for psychological counseling; and**

26 **[(ii)] 2. pay, in addition to any other fines and costs, all reasonable**  
27 **costs incurred in removing, housing, treating, or euthanizing an animal confiscated from**  
28 **the defendant; AND**

1                                   **(II) PROHIBIT THE DEFENDANT FROM OWNING, POSSESSING, OR**  
2 **RESIDING WITH AN ANIMAL FOR A PERIOD OF TIME DETERMINED BY THE COURT.**

3                                   (3) As a condition of probation, the court may prohibit a defendant from  
4 owning, possessing, or residing with an animal **FOR A PERIOD OF TIME DETERMINED BY**  
5 **THE COURT.**

6                                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2023.