

HOUSE BILL 1020

E2, E1

2lr2767
CF SB 301

By: **Delegates Frush, Barnes, Barve, Beidle, Bohanan, Bromwell, DeBoy, Frick, Gaines, Guzzone, Healey, Hubbard, Ivey, Kach, A. Kelly, Kipke, Lafferty, Love, McConkey, McDonough, Morhaim, Murphy, Nathan-Pulliam, Pena-Melnyk, B. Robinson, Ross, Stein, Summers, V. Turner, Valderrama, Valentino-Smith, and Walker**

Introduced and read first time: February 10, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Animal Abuse Registry**

3 FOR the purpose of requiring the Department of State Police to establish the
4 Maryland Animal Abuse Registry; requiring the Registry to be updated in a
5 certain manner and to include certain information; requiring a certain person
6 convicted of certain crimes involving animal cruelty to register with the county
7 sheriff within a certain period of time after the conviction; requiring a
8 registrant to provide certain information for registration; requiring the county
9 sheriff to obtain a certain photograph from a person registering under this Act;
10 requiring a registrant to update certain information in a certain manner;
11 establishing that a certain registration shall stay in effect for a certain period of
12 time; requiring the county sheriff to forward certain registration information to
13 the Department of State Police; requiring certain registrants to pay an annual
14 registration fee; requiring a county sheriff to remit certain fees in a certain
15 manner; providing for the funding of the Animal Abuse Registry Fund and how
16 money in the Fund is to be distributed; providing that Registry information is to
17 be made public in a certain manner; providing for an appeal of a certain
18 registration requirement; prohibiting a person subject to registration under this
19 Act from knowingly failing to register or provide accurate information when
20 registering; requiring a certain animal shelter, pet store, or animal breeder in
21 this State to determine whether the name and address of a person seeking to
22 purchase or adopt an animal appears on the Registry; prohibiting a certain
23 animal shelter, pet store, or animal breeder from knowingly offering, selling,
24 delivering, giving, or providing an animal to a person registered on the Registry;
25 establishing penalties for a violation of this Act; defining certain terms; and
26 generally relating to the establishment of an animal abuse registry.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Criminal Procedure
3 Section 11–1101 through 11–1111 to be under the new subtitle “Subtitle 11.
4 Maryland Animal Abuse Registry”
5 Annotated Code of Maryland
6 (2008 Replacement Volume and 2011 Supplement)

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

9 **Article – Criminal Procedure**

10 **SUBTITLE 11. MARYLAND ANIMAL ABUSE REGISTRY.**

11 **11–1101.**

12 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

14 (B) “ANIMAL ABUSE CRIME” MEANS:

15 (1) A VIOLATION OF § 10–604, § 10–605, § 10–606, § 10–607, §
16 10–608, § 10–618, OR § 10–623 OF THE CRIMINAL LAW ARTICLE;

17 (2) AN ATTEMPT TO COMMIT AN OFFENSE LISTED IN ITEM (1) OF
18 THIS SUBSECTION; OR

19 (3) A CRIME COMMITTED IN A FEDERAL, STATE, OR FOREIGN
20 JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE
21 OF THE CRIMES LISTED IN ITEM (1) OR (2) OF THIS SUBSECTION.

22 (C) “ANIMAL BREEDER” MEANS AN ENTITY ENGAGED IN THE PRACTICE
23 OF FACILITATING THE REPRODUCTION OF ANIMALS FOR THE PURPOSE OF
24 DISTRIBUTING THE RESULTING OFFSPRING TO ONE OR MORE OTHER
25 INDIVIDUALS OR ENTITIES.

26 (D) “ANIMAL SHELTER” MEANS A PUBLIC ANIMAL CONTROL FACILITY
27 OR ANY OTHER FACILITY THAT IS OPERATED BY AN ORGANIZATION OR
28 INDIVIDUAL FOR THE PURPOSE OF PROTECTING ANIMALS FROM CRUELTY,
29 NEGLECT, OR ABUSE.

30 (E) “FUND” MEANS THE ANIMAL ABUSE REGISTRY FUND ESTABLISHED
31 UNDER THIS SUBTITLE.

1 **(F) “OFFENDER” MEANS A PERSON REQUIRED TO REGISTER UNDER §**
2 **11-1104 OF THIS SUBTITLE.**

3 **(G) “PET STORE” MEANS A PLACE OR PREMISES WHERE BIRDS,**
4 **MAMMALS, OR REPTILES ARE KEPT FOR THE PURPOSE OF SALE, AT EITHER**
5 **WHOLESALE OR RETAIL, IMPORT, EXPORT, BARTER, EXCHANGE, OR GIFT.**

6 **11-1102.**

7 **FOR THE PURPOSES OF THIS SUBTITLE, A PERSON IS CONVICTED WHEN**
8 **THE PERSON:**

9 **(1) IS FOUND GUILTY OF A CRIME BY A JURY OR JUDICIAL**
10 **OFFICER;**

11 **(2) ENTERS A PLEA OF GUILTY OR NOLO CONTENDERE;**

12 **(3) IS GRANTED PROBATION BEFORE JUDGMENT AFTER A**
13 **FINDING OF GUILT FOR A CRIME IF THE COURT, AS A CONDITION OF PROBATION,**
14 **ORDERS COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBTITLE; OR**

15 **(4) IS FOUND NOT CRIMINALLY RESPONSIBLE FOR A CRIME.**

16 **11-1103.**

17 **(A) THE DEPARTMENT OF STATE POLICE SHALL ESTABLISH AND**
18 **MAINTAIN A CENTRAL COMPUTERIZED REGISTRY OF ALL PERSONS CONVICTED**
19 **OF AN ANIMAL ABUSE CRIME THAT ARE REQUIRED TO REGISTER IN**
20 **ACCORDANCE WITH § 11-1104 OF THIS SUBTITLE, TO BE KNOWN AS THE**
21 **MARYLAND ANIMAL ABUSE REGISTRY.**

22 **(B) THE REGISTRY SHALL BE UPDATED BASED ON INFORMATION MADE**
23 **AVAILABLE TO THE DEPARTMENT OF STATE POLICE, INCLUDING INFORMATION**
24 **ACQUIRED IN ACCORDANCE WITH THE REGISTRATION PROVISIONS OF §**
25 **11-1105 OF THIS SUBTITLE.**

26 **(C) THE REGISTRY SHALL INCLUDE:**

27 **(1) THE OFFENDER’S NAME;**

28 **(2) THE OFFENDER’S RESIDENTIAL ADDRESS;**

1 **(3) THE DATE AND A DESCRIPTION OF THE CRIME FOR WHICH**
2 **REGISTRATION IS REQUIRED; AND**

3 **(4) A PHOTOGRAPH OF THE OFFENDER'S HEAD AND SHOULDERS**
4 **FROM THE FRONT.**

5 **11-1104.**

6 **A PERSON CONVICTED OF AN ANIMAL ABUSE CRIME SHALL REGISTER**
7 **WITH THE COUNTY SHERIFF FOR THE COUNTY IN WHICH THE PERSON IS**
8 **LOCATED WITHIN 10 DAYS AFTER THE CONVICTION.**

9 **11-1105.**

10 **(A) A REGISTRANT SHALL PROVIDE THE COUNTY SHERIFF WITH THE**
11 **FOLLOWING INFORMATION:**

12 **(1) THE REGISTRANT'S LEGAL NAME;**

13 **(2) THE REGISTRANT'S CURRENT ADDRESS OR LOCATION;**

14 **(3) THE CRIME THE REGISTRANT WAS CONVICTED OF; AND**

15 **(4) THE DATE AND LOCATION OF THE CRIME.**

16 **(B) THE COUNTY SHERIFF SHALL OBTAIN A PHOTOGRAPH OF THE**
17 **REGISTRANT'S HEAD AND SHOULDERS FROM THE FRONT.**

18 **(C) A PERSON REQUIRED TO REGISTER UNDER THIS SUBTITLE SHALL**
19 **UPDATE THE INFORMATION:**

20 **(1) ANNUALLY; AND**

21 **(2) TO REFLECT ANY CHANGE IN ADDRESS WITHIN 10 DAYS OF**
22 **THE CHANGE.**

23 **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
24 **SUBSECTION, REGISTRATION UNDER THIS SUBTITLE SHALL REMAIN IN EFFECT**
25 **FOR A PERIOD OF 5 YEARS FOLLOWING EITHER THE DATE OF JUDGMENT OR**
26 **DATE OF RELEASE FROM INCARCERATION, WHICHEVER IS LATER.**

27 **(2) THE PERIOD DESCRIBED IN PARAGRAPH (1) OF THIS**
28 **SUBSECTION SHALL BE EXTENDED AN ADDITIONAL 5 YEARS FOR EACH**

1 CONVICTION FOR AN ANIMAL ABUSE CRIME THAT OCCURS AFTER THE INITIAL
2 REGISTRATION.

3 (E) THE COUNTY SHERIFF SHALL FORWARD ALL REGISTRATION
4 INFORMATION TO THE DEPARTMENT OF STATE POLICE.

5 11-1106.

6 (A) IN ADDITION TO ANY FINE, FEE, OR PENALTY LEVIED OR IMPOSED
7 AS PROVIDED BY LAW, EACH REGISTRANT SHALL PAY AN ANNUAL
8 REGISTRATION FEE OF \$50.

9 (B) THE COUNTY SHERIFF SHALL REMIT THE ANNUAL REGISTRATION
10 FEES COLLECTED UNDER SUBSECTION (A) OF THIS SECTION TO THE STATE
11 TREASURER FOR DEPOSIT INTO THE FUND.

12 11-1107.

13 (A) (1) THERE IS AN ANIMAL ABUSE REGISTRY FUND.

14 (2) THE FUND CONSISTS OF:

15 (I) MONEY DISTRIBUTED TO THE FUND FROM ANNUAL
16 REGISTRATION FEES COLLECTED UNDER § 11-1106 OF THIS SUBTITLE; AND

17 (II) MONEY MADE AVAILABLE TO THE FUND FROM ANY
18 OTHER SOURCE.

19 (3) THE FUND IS A SPECIAL, CONTINUING, NONLAPSING FUND
20 THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT
21 ARTICLE.

22 (4) THE STATE TREASURER SHALL SEPARATELY HOLD AND THE
23 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

24 (5) THE FUND SHALL BE INVESTED AND REINVESTED IN THE
25 SAME MANNER AS OTHER STATE FUNDS.

26 (6) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF
27 LEGISLATIVE AUDITS AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT
28 ARTICLE.

1 **(B) (1) THE FUND MAY BE USED ONLY FOR FUNDING THE**
2 **ADMINISTRATION OF THIS SUBTITLE BY COUNTY SHERIFFS AND THE**
3 **DEPARTMENT OF STATE POLICE.**

4 **(2) UP TO 65% OF THE MONEY IN THE FUND SHALL BE PAYABLE**
5 **TO THE COUNTIES TO FUND THE COLLECTION OF THE INFORMATION BY THE**
6 **COUNTY SHERIFFS IN ACCORDANCE WITH § 11-1105 OF THIS SUBTITLE.**

7 **(3) UP TO 35% OF THE MONEY IN THE FUND SHALL BE PAYABLE**
8 **TO THE DEPARTMENT OF STATE POLICE TO FUND THE ESTABLISHMENT AND**
9 **ADMINISTRATION OF THE MARYLAND ANIMAL ABUSE REGISTRY IN**
10 **ACCORDANCE WITH § 11-1103 OF THIS SUBTITLE.**

11 **(C) THIS SECTION DOES NOT PROHIBIT THE FUND FROM RECEIVING**
12 **MONEY FROM ANY OTHER SOURCE.**

13 **11-1108.**

14 **INFORMATION CONTAINED IN THE MARYLAND ANIMAL ABUSE REGISTRY**
15 **SHALL BE MADE AVAILABLE TO THE PUBLIC THROUGH THE INTERNET, BY**
16 **TELEPHONE, BY WRITTEN ACCESS, AND IN PERSON.**

17 **11-1109.**

18 **(A) A PERSON CONVICTED OF AN ANIMAL ABUSE CRIME WHO WOULD**
19 **OTHERWISE BE REQUIRED TO REGISTER UNDER § 11-1104 OF THIS SUBTITLE**
20 **MAY APPEAL TO THE DISTRICT COURT FOR A DETERMINATION OF THE LEVEL**
21 **OF DANGER POSED BY THE OFFENDER.**

22 **(B) (1) (I) THE DISTRICT COURT MAY MAKE A FINDING THAT THE**
23 **CIRCUMSTANCES OF THE CRIME, IN CONJUNCTION WITH THE OFFENDER'S**
24 **CRIMINAL HISTORY, DO NOT INDICATE A RISK OF REOFFENDING BY THE**
25 **OFFENDER OR THAT THE OFFENDER IS A DANGER TO THE PUBLIC.**

26 **(II) THE DISTRICT COURT SHALL SPECIFY IN WRITING THE**
27 **REASONS FOR ITS FINDING.**

28 **(2) ON MAKING THE FINDINGS DESCRIBED IN PARAGRAPH (1) OF**
29 **THIS SUBSECTION, THE DISTRICT COURT SHALL NOTIFY THE OFFENDER AND**
30 **ORDER THE DEPARTMENT OF STATE POLICE TO REMOVE THE OFFENDER'S**
31 **REGISTRATION INFORMATION FROM THE REGISTRY.**

32 **11-1110.**

1 **(A) A PERSON WHO IS SUBJECT TO REGISTRATION UNDER § 11-1104 OF**
2 **THIS SUBTITLE MAY NOT KNOWINGLY FAIL TO:**

3 **(1) REGISTER WITH THE COUNTY SHERIFF; OR**

4 **(2) PROVIDE ACCURATE INFORMATION WHEN REGISTERING**
5 **UNDER § 11-1105 OF THIS SUBTITLE.**

6 **(B) A PERSON WHO VIOLATES THIS SECTION:**

7 **(1) FOR A FIRST OFFENSE, IS GUILTY OF A MISDEMEANOR AND ON**
8 **CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE**
9 **NOT EXCEEDING \$1,000 OR BOTH; AND**

10 **(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IS GUILTY OF A**
11 **FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5**
12 **YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

13 **11-1111.**

14 **(A) AN ANIMAL SHELTER, A PET STORE, OR AN ANIMAL BREEDER IN**
15 **THIS STATE SHALL DETERMINE WHETHER THE NAME AND ADDRESS OF A**
16 **PERSON SEEKING TO PURCHASE OR ADOPT AN ANIMAL APPEARS ON THE**
17 **REGISTRY.**

18 **(B) AN ANIMAL SHELTER, A PET STORE, OR AN ANIMAL BREEDER MAY**
19 **NOT KNOWINGLY OFFER, SELL, DELIVER, GIVE, OR PROVIDE AN ANIMAL TO A**
20 **PERSON REGISTERED ON THE REGISTRY.**

21 **(C) AN ANIMAL SHELTER, A PET STORE, OR AN ANIMAL BREEDER THAT**
22 **VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS**
23 **SUBJECT TO:**

24 **(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000; OR**

25 **(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT**
26 **EXCEEDING \$10,000.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2012.