

HOUSE BILL 373

E2, E1

4lr1644

By: **Delegates McConkey and Valderrama**

Introduced and read first time: January 23, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Animal Abuser Registration**

3 FOR the purpose of requiring a certain animal abuser to register with a certain law
4 enforcement unit in the county in which the animal abuser is located within a
5 certain time period; providing for reregistration for an animal abuser moving to
6 a different location within the State; requiring an animal abuser to provide
7 certain registration information; requiring a certain law enforcement unit to
8 obtain certain information from an animal abuser; requiring an animal abuser
9 to annually renew the registration for a certain period; requiring the law
10 enforcement unit to forward certain information to the Department of Public
11 Safety and Correctional Services; requiring the Department to maintain a
12 certain registry; providing that certain information in the registry shall be made
13 available to the public in a certain manner; prohibiting a person from
14 intentionally or knowingly failing to comply with the registration requirements
15 of this Act or providing false information when complying with the registration
16 requirements of this Act; establishing penalties for a violation of this Act;
17 defining certain terms; making the provisions of this Act severable; and
18 generally relating to animal abuse.

19 BY adding to

20 Article – Criminal Procedure

21 Section 11–1101 through 11–1104 to be under the new subtitle “Subtitle 11.
22 Animal Abuser Registration”

23 Annotated Code of Maryland

24 (2008 Replacement Volume and 2013 Supplement)

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

27 **Article – Criminal Procedure**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **SUBTITLE 11. ANIMAL ABUSER REGISTRATION.**

2 **11-1101.**

3 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
4 **INDICATED.**

5 **(B) “ANIMAL ABUSER” MEANS AN ADULT WHO HAS BEEN CONVICTED OF**
6 **A VIOLATION OF § 10-604, § 10-605, § 10-606, § 10-607, § 10-608, § 10-611, §**
7 **10-612, OR § 10-618 OF THE CRIMINAL LAW ARTICLE OR A COMPARABLE**
8 **ANIMAL CRUELTY STATUTE OF ANOTHER STATE.**

9 **(C) “LOCAL LAW ENFORCEMENT UNIT” MEANS THE LAW ENFORCEMENT**
10 **UNIT IN A COUNTY THAT HAS BEEN DESIGNATED BY RESOLUTION OF THE**
11 **COUNTY GOVERNING BODY AS THE PRIMARY LAW ENFORCEMENT UNIT IN THE**
12 **COUNTY.**

13 **11-1102.**

14 **(A) AN ANIMAL ABUSER WHO IS PHYSICALLY WITHIN THE BOUNDARIES**
15 **OF THE STATE FOR MORE THAN 10 CONSECUTIVE DAYS SHALL REGISTER WITH**
16 **THE LOCAL LAW ENFORCEMENT UNIT IN THE COUNTY IN WHICH THE ANIMAL**
17 **ABUSER IS LOCATED BEFORE THE ANIMAL ABUSER’S 11TH CONSECUTIVE DAY IN**
18 **THE STATE.**

19 **(B) A PREVIOUSLY REGISTERED ANIMAL ABUSER SHALL REREGISTER**
20 **WITH THE LOCAL LAW ENFORCEMENT UNIT FOR THE COUNTY IN WHICH THE**
21 **ANIMAL ABUSER IS LOCATED NO LATER THAN 10 DAYS AFTER MOVING TO A NEW**
22 **LOCATION WITHIN THE STATE.**

23 **(C) AT THE TIME AN ANIMAL ABUSER REGISTERS WITH A LOCAL LAW**
24 **ENFORCEMENT UNIT AS PROVIDED IN THIS SECTION:**

25 **(1) THE ANIMAL ABUSER SHALL PROVIDE THE FOLLOWING**
26 **REGISTRATION INFORMATION:**

27 **(I) THE DATE OF BIRTH OF THE ANIMAL ABUSER;**

28 **(II) THE SOCIAL SECURITY NUMBER OF THE ANIMAL**
29 **ABUSER;**

30 **(III) THE CURRENT ADDRESS OR LOCATION OF THE ANIMAL**
31 **ABUSER;**

1 (IV) THE PLACE OF EMPLOYMENT OF THE ANIMAL ABUSER;

2 (V) THE OFFENSE FOR WHICH THE ANIMAL ABUSER WAS
3 CONVICTED; AND

4 (VI) THE DATE AND PLACE OF THE ANIMAL ABUSE
5 CONVICTION OR CONVICTIONS OF THE ANIMAL ABUSER; AND

6 (2) THE LOCAL LAW ENFORCEMENT UNIT SHALL OBTAIN:

7 (I) A PHOTOGRAPH OF THE ANIMAL ABUSER;

8 (II) A COMPLETE SET OF FINGERPRINTS OF THE ANIMAL
9 ABUSER; AND

10 (III) A DESCRIPTION OF TATTOOS, SCARS, OR OTHER
11 DISTINGUISHING FEATURES OF THE ANIMAL ABUSER'S BODY THAT WOULD
12 ASSIST IN IDENTIFYING THE ANIMAL ABUSER.

13 (D) FOLLOWING AN ANIMAL ABUSER'S INITIAL REGISTRATION IN
14 ACCORDANCE WITH THIS SECTION, AN ANIMAL ABUSER SHALL RENEW
15 ANNUALLY THE ANIMAL ABUSER'S REGISTRATION WITH THE LOCAL LAW
16 ENFORCEMENT UNIT BEFORE DECEMBER 31 OF EACH SUBSEQUENT YEAR FOR A
17 PERIOD OF 15 YEARS.

18 (E) THE LOCAL LAW ENFORCEMENT UNIT SHALL FORWARD ALL
19 REGISTRATION INFORMATION OBTAINED FROM AN ANIMAL ABUSER UNDER
20 SUBSECTION (C) OF THIS SECTION TO THE DEPARTMENT.

21 11-1103.

22 (A) THE DEPARTMENT SHALL MAINTAIN A CENTRAL REGISTRY OF
23 ANIMAL ABUSERS REQUIRED TO REGISTER IN ACCORDANCE WITH THIS
24 SUBTITLE.

25 (B) THE CENTRAL REGISTRY OF ANIMAL ABUSERS SHALL BE MADE
26 AVAILABLE TO THE PUBLIC VIA INTERNET AND IN WRITTEN FORM ON WRITTEN
27 OR ORAL REQUEST.

28 (C) ALL INFORMATION CONTAINED IN AN ANIMAL ABUSER'S
29 REGISTRATION, EXCEPT FOR THE SOCIAL SECURITY NUMBER OF THE ANIMAL
30 ABUSER, SHALL BE MADE AVAILABLE TO THE PUBLIC.

1 **(D) RECORDS OF EACH ANIMAL ABUSER'S REGISTRATION SHALL BE**
2 **MAINTAINED FOR THE DURATION OF THE PERIOD IN WHICH THE ANIMAL**
3 **ABUSER IS REQUIRED TO BE REGISTERED.**

4 **11-1104.**

5 **(A) A PERSON MAY NOT INTENTIONALLY OR KNOWINGLY FAIL TO**
6 **COMPLY WITH THE REGISTRATION REQUIREMENTS OF THIS SUBTITLE OR**
7 **PROVIDE FALSE INFORMATION WHEN COMPLYING WITH THE REGISTRATION**
8 **REQUIREMENTS OF THIS SUBTITLE.**

9 **(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
10 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

11 **(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 1**
12 **YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND**

13 **(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT**
14 **NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this
16 Act or the application thereof to any person or circumstance is held invalid for any
17 reason in a court of competent jurisdiction, the invalidity does not affect other
18 provisions or any other application of this Act which can be given effect without the
19 invalid provision or application, and for this purpose the provisions of this Act are
20 declared severable.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2014.