

HOUSE BILL 641

E1, E4

(9lr0486)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegates Atterbeary, Anderson, Arentz, Barve, Brooks, Cardin, D.E. Davis, Ghrist, Hettleman, Jacobs, Kaiser, Kelly, Love, Luedtke, Malone, Moon, Otto, Parrott, Qi, Shetty, Stein, Stewart, ~~and Wilson~~ Wilson, Arikan, Sydnor, Grammer, McComas, Hartman, and W. Fisher**

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 – Sexual Contact With an Animal – Aggravated Cruelty to Animals**

3 FOR the purpose of prohibiting a person from engaging in sexual contact with an animal;
4 defining “sexual contact with an animal”; ~~providing that engaging in sexual contact~~
5 ~~with an animal constitutes a crime of violence; altering the definition of “Tier III sex~~
6 ~~offender” to include a person who has been convicted of sexual contact with an~~
7 ~~animal; and generally relating to sexual contact with aggravated cruelty to animals.~~

8 BY repealing and reenacting, with amendments,

9 Article – Criminal Law

10 Section 10–606

11 Annotated Code of Maryland

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.



(2012 Replacement Volume and 2018 Supplement)
 (As enacted by Chapter 238 of the Acts of the General Assembly of 2018)

~~BY repealing and reenacting, with amendments,
 Article — Criminal Law
 Section 14-101(a)(24) and (25)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2018 Supplement)~~

~~BY adding to
 Article — Criminal Law
 Section 14-101(a)(26)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2018 Supplement)~~

~~BY repealing and reenacting, without amendments,
 Article — Criminal Procedure
 Section 11-701(a)
 Annotated Code of Maryland
 (2018 Replacement Volume)~~

~~BY repealing and reenacting, with amendments,
 Article — Criminal Procedure
 Section 11-701(q)(1)
 Annotated Code of Maryland
 (2018 Replacement Volume)~~

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

Article – Criminal Law

10–606.

(A) (1) IN THIS SECTION, “SEXUAL CONTACT WITH AN ANIMAL” MEANS
 ANY ACT:

(I) INVOLVING:

1. A PERSON TOUCHING THE SEX ORGAN OR ANUS OF AN
 ANIMAL;

2. CONTACT BETWEEN:

A. THE SEX ORGAN OR ANUS OF A PERSON AND THE
 MOUTH, SEX ORGAN, OR ANUS OF AN ANIMAL; OR

1 **B. THE SEX ORGAN OR ANUS OF AN ANIMAL, AND THE**
2 **MOUTH, SEX ORGAN, OR ANUS OF A PERSON; OR**

3 **3. INSERTION OF:**

4 **A. ANY PART OF THE BODY OF A PERSON INTO THE**
5 **OPENING OF THE VAGINA OR ANUS OF AN ANIMAL;**

6 **B. ANY PART OF AN ANIMAL’S BODY INTO THE OPENING**
7 **OF THE VAGINA OR ANUS OF A PERSON; OR**

8 **C. ANY OBJECT INTO THE OPENING OF THE VAGINA OR**
9 **ANUS OF AN ANIMAL; AND**

10 **(II) COMMITTED FOR THE PURPOSE OF SEXUAL AROUSAL,**
11 **SEXUAL GRATIFICATION, ABUSE, OR FINANCIAL GAIN.**

12 **(2) “SEXUAL CONTACT WITH AN ANIMAL” DOES NOT INCLUDE:**

13 **(I) AN ACCEPTED VETERINARY PRACTICE;**

14 **(II) ARTIFICIAL INSEMINATION OF AN ANIMAL FOR**
15 **REPRODUCTIVE PURPOSES;**

16 **(III) ACCEPTED ANIMAL HUSBANDRY PRACTICES, INCLUDING:**

17 **1. GROOMING;**

18 **2. RAISING;**

19 **3. BREEDING;**

20 **4. ASSISTING WITH THE BIRTHING PROCESS; OR**

21 **5. ANY OTHER ACTIVITY THAT PROVIDES CARE FOR AN**
22 **ANIMAL; OR**

23 **(IV) GENERALLY ACCEPTED PRACTICES RELATING TO THE**
24 **JUDGING OF BREED CONFIRMATION.**

25 **[(a)] (B) A person may not:**

26 **(1) intentionally:**

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- 1 (i) mutilate AN ANIMAL;
- 2 (ii) torture AN ANIMAL;
- 3 (iii) cruelly beat AN ANIMAL; [or]
- 4 (iv) cruelly kill AN ANIMAL; OR
- 5 (V) ENGAGE IN SEXUAL CONTACT WITH an animal;
- 6 (2) cause, procure, or authorize an act prohibited under item (1) of this
7 subsection; or
- 8 (3) except in the case of self-defense, intentionally inflict bodily harm,
9 permanent disability, or death on an animal owned or used by a law enforcement unit.

10 [(b)] (C) (1) A person who violates this section is guilty of the felony of
11 aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding
12 3 years or a fine not exceeding \$5,000 or both.

13 (2) As a condition of sentencing, the court may:

- 14 (i) order a defendant convicted of violating this section to
15 participate in and pay for psychological counseling; and
- 16 (ii) prohibit a defendant from owning, possessing, or residing with
17 an animal for a specified period of time.

18 ~~14-101.~~

19 (a) ~~In this section, "crime of violence" means:~~

20 ~~(24) assault with intent to commit a sexual offense in the first degree; [and]~~

21 ~~(25) assault with intent to commit a sexual offense in the second degree;~~

22 ~~AND~~

23 ~~(26) AGGRAVATED CRUELTY TO ANIMALS UNDER § 10-606 OF THIS~~
24 ~~ARTICLE.~~

25 ~~Article—Criminal Procedure~~

26 ~~11-701.~~

27 (a) ~~In this subtitle the following words have the meanings indicated.~~

- 1 ~~(g) "Tier III sex offender" means a person who has been convicted of:~~
- 2 ~~(1) conspiring to commit, attempting to commit, or committing a violation~~
- 3 ~~of:~~
- 4 ~~(i) § 2-201(a)(4)(viii), (x), or (xi) of the Criminal Law Article;~~
- 5 ~~(ii) § 3-303, § 3-304, § 3-307(a)(1) or (2), § 3-309, § 3-310, § 3-311,~~
- 6 ~~§ 3-312, § 3-315, § 3-323, [or] § 3-602, OR § 10-606(D)(1)(V) of the Criminal Law Article;~~
- 7 ~~(iii) § 3-502 of the Criminal Law Article, if the victim is a minor;~~
- 8 ~~(iv) § 3-502 of the Criminal Law Article, if the victim is an adult, and~~
- 9 ~~the person has been ordered by the court to register under this subtitle;~~
- 10 ~~(v) the common law offense of sodomy or § 3-322 of the Criminal~~
- 11 ~~Law Article if the offense was committed with force or threat of force; or~~
- 12 ~~(vi) § 3-305 or § 3-306 of the Criminal Law Article as the sections~~
- 13 ~~existed before October 1, 2017;~~

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 15 October 1, 2019.

Approved:

_____ Governor.

_____ Speaker of the House of Delegates.

_____ President of the Senate.