

SENATE BILL 1096

E1

EMERGENCY BILL

2lr3450
CF HB 1469

By: **Senators Simonaire, Astle, Benson, Brochin, Conway, Currie, Dyson, Edwards, Ferguson, Gladden, Glassman, Jacobs, Jennings, Jones–Rodwell, King, Kittleman, Klausmeier, Madaleno, Montgomery, Peters, Pinsky, Pipkin, Pugh, Raskin, Reilly, Robey, Rosapepe, Shank, Stone, and Young**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 14, 2012

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Aggravated Animal Cruelty – Bait Dogs**

3 FOR the purpose of prohibiting a person from using or allowing a dog to be used as a
4 bait dog; prohibiting a person from possessing, owning, selling, transporting, or
5 training a dog with the intent to use the dog as a bait dog; requiring a dog that
6 is used in a dogfight or as a bait dog to be removed from the possession of the
7 owner and not returned except under certain circumstances; defining a certain
8 term; making this Act an emergency measure; and generally relating to
9 dogfights and bait dogs.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 10–607
13 Annotated Code of Maryland
14 (2002 Volume and 2011 Supplement)

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

17 **Article – Criminal Law**

18 10–607.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) IN THIS SECTION, “BAIT DOG” MEANS A DOG THAT IS USED TO TRAIN**
 2 **A FIGHTING DOG OR USED TO TEST THE FIGHTING OR KILLING INSTINCT OF**
 3 **ANOTHER DOG.**

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

5 (1) use or allow a dog to be used in a dogfight;

6 **(2) USE OR ALLOW A DOG TO BE USED AS A BAIT DOG;**

7 **[(2)] (3)** arrange or conduct a dogfight;

8 **[(3)] (4)** possess, own, sell, transport, or train a dog with the intent to
 9 use the dog in a dogfight **OR AS A BAIT DOG;** or

10 **[(4)] (5)** knowingly allow premises under the person’s ownership,
 11 charge, or control to be used to conduct a dogfight.

12 **(C) NOTWITHSTANDING § 10–615 OF THIS SUBTITLE, A DOG THAT IS**
 13 **USED IN A DOGFIGHT OR AS A BAIT DOG SHALL IMMEDIATELY BE REMOVED**
 14 **FROM THE POSSESSION OF THE OWNER BY AN OFFICER OR AUTHORIZED AGENT**
 15 **OF A HUMANE SOCIETY OR A POLICE OFFICER OR OTHER PUBLIC OFFICIAL**
 16 **REQUIRED TO PROTECT ANIMALS AND MAY NOT BE RETURNED TO THE PERSON**
 17 **FROM WHOM IT IS REMOVED UNLESS:**

18 **(1) THE PERSON IS ACQUITTED OF ANY CHARGES RELATED TO**
 19 **THE INCIDENT FOR WHICH THE DOG WAS REMOVED;**

20 **(2) THE CHARGES AGAINST THE PERSON ARE DISMISSED; OR**

21 **(3) A NOLLE PROSEQUI IS ENTERED.**

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

25 (2) As a condition of sentencing, the court may order a defendant
 26 convicted of violating this section to participate in and pay for psychological
 27 counseling.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
 29 measure, is necessary for the immediate preservation of the public health or safety,
 30 has been passed by a yea and nay vote supported by three–fifths of all the members
 31 elected to each of the two Houses of the General Assembly, and shall take effect from
 32 the date it is enacted.