

SENATE BILL 425

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11r1160
CF HB 294

By: **Senator Astle**

Introduced and read first time: February 4, 2011

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Abuse or Neglect of Animals – Use of Rifle, Handgun, or Other Weapon –**
3 **Penalties**

4 FOR the purpose of prohibiting a person from inflicting unnecessary suffering or pain
5 on an animal through the use of a rifle, a handgun, or a certain weapon;
6 establishing a certain penalty for a violation of this Act; altering a certain
7 penalty for a certain offense of abuse or neglect of an animal; and generally
8 relating to abuse or neglect of animals.

9 BY repealing and reenacting, without amendments,
10 Article – Criminal Law
11 Section 4–101(a)(5), 4–201(c), and 10–603
12 Annotated Code of Maryland
13 (2002 Volume and 2010 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Law
16 Section 10–604
17 Annotated Code of Maryland
18 (2002 Volume and 2010 Supplement)

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

21 **Article – Criminal Law**
22 4–101.

23 (a) (5) (i) “Weapon” includes a dirk knife, bowie knife, switchblade
24 knife, star knife, sandclub, metal knuckles, razor, and nunchaku.

25 (ii) “Weapon” does not include:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 1. a handgun; or
- 2 2. a penknife without a switchblade.

3 4–201.

4 (c) (1) “Handgun” means a pistol, revolver, or other firearm capable of
5 being concealed on the person.

6 (2) “Handgun” includes a short–barreled shotgun and a short–barreled
7 rifle.

8 (3) “Handgun” does not include a shotgun, rifle, or antique firearm.

9 10–603.

10 Sections 10–601 through 10–608 of this subtitle do not apply to:

11 (1) customary and normal veterinary and agricultural husbandry
12 practices including dehorning, castration, tail docking, and limit feeding;

13 (2) research conducted in accordance with protocols approved by an
14 animal care and use committee, as required under the federal Animal Welfare Act or
15 the federal Health Research Extension Act;

16 (3) an activity that may cause unavoidable physical pain to an animal,
17 including food processing, pest elimination, animal training, and hunting, if the person
18 performing the activity uses the most humane method reasonably available; or

19 (4) normal human activities in which the infliction of pain to an
20 animal is purely incidental and unavoidable.

21 10–604.

22 (a) A person may not:

23 (1) overdrive or overload an animal;

24 (2) deprive an animal of necessary sustenance;

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

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

28 (5) if the person has charge or custody of an animal, as owner or
29 otherwise, unnecessarily fail to provide the animal with nutritious food in sufficient

1 quantity, necessary veterinary care, proper drink, air, space, shelter, or protection
2 from the weather.

3 (b) **A PERSON MAY NOT INFLICT UNNECESSARY SUFFERING OR PAIN ON**
4 **AN ANIMAL THROUGH THE USE OF:**

5 (1) **A RIFLE;**

6 (2) **A HANDGUN, AS DEFINED IN § 4-201 OF THIS ARTICLE; OR**

7 (3) **ANY OTHER WEAPON, AS DEFINED IN § 4-101 OF THIS**
8 **ARTICLE.**

9 (c) (1) A person who violates **SUBSECTION (A) OF** this section is guilty of
10 a misdemeanor and on conviction is subject to imprisonment not exceeding [90 days] **6**
11 **MONTHS** or a fine not exceeding [\$1,000] **\$2,500** or both.

12 (2) **A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION**
13 **IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO**
14 **IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR**
15 **BOTH.**

16 (3) As a condition of sentencing, the court may order a defendant
17 convicted of violating this section to participate in and pay for psychological
18 counseling.

19 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
20 October 1, 2011.