

SENATE BILL 747

D4, E1

(1lr2615)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by ~~Senator Stone~~ Senators Stone, Raskin, Brochin, Forehand, and Jacobs

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.

President.

CHAPTER _____

1 AN ACT concerning

2 **Domestic Violence – ~~Cruelty Toward a Pet or Service Animal~~ Additional**
3 **Relief – Award of Temporary Possession of Pet**

4 FOR the purpose of authorizing a District Court Commissioner, in a certain interim
5 protective order, and a judge, in a temporary protective order or final protective
6 order, to ~~order a respondent to remain away from a certain pet or service~~
7 ~~animal, to refrain from cruelty or aggravated cruelty toward the pet or service~~
8 ~~animal, or in certain circumstances, to give the pet or service animal to a~~
9 ~~certain person; providing certain penalties for failure to comply with certain~~
10 ~~relief ordered in a certain interim protective order, temporary protective order,~~
11 ~~or final protective order; award temporary possession of any pet of a person~~
12 ~~eligible for relief or a respondent; defining certain terms a certain term; and~~
13 generally relating to domestic violence ~~and cruelty toward a pet or service~~
14 ~~animal.~~

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.



1 ~~BY repealing and reenacting, without amendments,~~
 2 ~~Article – Criminal Law~~
 3 ~~Section 10-601(a), (b), and (c), 10-604(a), and 10-606(a)~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(2002 Volume and 2010 Supplement)~~

6 BY repealing and reenacting, without amendments,
 7 Article – Family Law
 8 Section 4-501(a) and (l)
 9 Annotated Code of Maryland
 10 (2006 Replacement Volume and 2010 Supplement)

11 BY adding to
 12 Article – Family Law
 13 Section 4-501(m) ~~and (q)~~, 4-504.1(c)(9), 4-505(a)(2)(ix), and 4-506(d)(13)
 14 Annotated Code of Maryland
 15 (2006 Replacement Volume and 2010 Supplement)

16 BY repealing and reenacting, with amendments,
 17 Article – Family Law
 18 Section 4-501(m), (n), (o), (p), (q), and (r), 4-504.1(c)(7) and (8), 4-505(a)(2)(vii)
 19 and (viii), *and* 4-506(d)(11) and (12), ~~and 4-509(a)~~
 20 Annotated Code of Maryland
 21 (2006 Replacement Volume and 2010 Supplement)

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

24 ~~Article – Criminal Law~~

25 ~~10-601.~~

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

27 ~~(b) “Animal” means a living creature except a human being.~~

28 ~~(c) (1) “Cruelty” means the unnecessary or unjustifiable physical pain or~~
 29 ~~suffering caused or allowed by an act, omission, or neglect.~~

30 ~~(2) “Cruelty” includes torture and torment.~~

31 ~~10-604.~~

32 ~~(a) A person may not:~~

33 ~~(1) overdrive or overload an animal;~~

1 (M) (1) “PET” MEANS A DOMESTICATED ANIMAL.

2 (2) “PET” DOES NOT INCLUDE LIVESTOCK.

3 [(m)] (N) (1) “Petitioner” means an individual who files a petition.

4 (2) “Petitioner” includes:

5 (i) a person eligible for relief; or

6 (ii) the following persons who may seek relief from abuse on
7 behalf of a minor or vulnerable adult:

8 1. the State’s Attorney for the county where the child or
9 vulnerable adult lives, or, if different, where the abuse is alleged to have taken place;

10 2. the department of social services that has jurisdiction
11 in the county where the child or vulnerable adult lives, or, if different, where the abuse
12 is alleged to have taken place;

13 3. a person related to the child or vulnerable adult by
14 blood, marriage, or adoption; or

15 4. an adult who resides in the home.

16 [(n)] (O) “Residence” includes the yard, grounds, outbuildings, and common
17 areas surrounding the residence.

18 [(o)] (P) “Respondent” means the person alleged in the petition to have
19 committed the abuse.

20 ~~(Q) “SERVICE ANIMAL” MEANS A GUIDE DOG, SIGNAL DOG, OR OTHER~~
21 ~~ANIMAL INDIVIDUALLY TRAINED TO DO WORK OR PERFORM TASKS FOR THE~~
22 ~~BENEFIT OF AN INDIVIDUAL WITH A DISABILITY, INCLUDING:~~

23 ~~(1) GUIDING INDIVIDUALS WITH IMPAIRED VISION;~~

24 ~~(2) ALERTING INDIVIDUALS WITH IMPAIRED HEARING TO AN~~
25 ~~INTRUDER OR SOUNDS;~~

26 ~~(3) PROVIDING MINIMAL PROTECTION OR RESCUE WORK;~~

27 ~~(4) PULLING A WHEELCHAIR; OR~~

28 ~~(5) FETCHING DROPPED ITEMS.~~

1 [(p)] ~~(R)~~ (Q) “Temporary protective order” means a protective order issued
2 under § 4–505 of this subtitle.

3 [(q)] ~~(S)~~ (R) “Victim” includes a person eligible for relief.

4 [(r)] ~~(T)~~ (S) “Vulnerable adult” has the meaning provided in § 14–101(q) of this
5 article.

6 4–504.1.

7 (c) An interim protective order may:

8 (7) order the respondent to remain away from the place of
9 employment, school, or temporary residence of a person eligible for relief; [or]

10 (8) order the respondent to remain away from the residence of any
11 family member of a person eligible for relief; **OR**

12 **(9) ~~IF THE PERSON ELIGIBLE FOR RELIEF OR A FAMILY MEMBER~~**
13 **~~OF THE PERSON ELIGIBLE FOR RELIEF HAS A PET OR SERVICE ANIMAL OR THE~~**
14 **~~RESPONDENT HAS POSSESSION OF A PET OR SERVICE ANIMAL OF THE PERSON~~**
15 **~~ELIGIBLE FOR RELIEF OR OF A FAMILY MEMBER OF THE PERSON ELIGIBLE FOR~~**
16 **~~RELIEF, ORDER THE RESPONDENT TO:~~**

17 **~~(I) REMAIN AWAY FROM THE PET OR SERVICE ANIMAL;~~**

18 **~~(II) REFRAIN FROM CRUELTY OR AGGRAVATED CRUELTY~~**
19 **~~TOWARD THE PET OR SERVICE ANIMAL AS PROHIBITED UNDER § 10–604(A) OR §~~**
20 **~~10–606(A) OF THE CRIMINAL LAW ARTICLE; OR~~**

21 **~~(III) IF THE RESPONDENT HAS POSSESSION OF THE PET OR~~**
22 **~~SERVICE ANIMAL, GIVE THE PET OR SERVICE ANIMAL TO THE PERSON ELIGIBLE~~**
23 **~~FOR RELIEF, TO A FAMILY MEMBER OF THE PERSON ELIGIBLE FOR RELIEF, OR~~**
24 **~~TO A SUITABLE THIRD PARTY AWARD TEMPORARY POSSESSION OF ANY PET OF~~**
25 **THE PERSON ELIGIBLE FOR RELIEF OR THE RESPONDENT.**

26 4–505.

27 (a) (2) The temporary protective order may order any or all of the
28 following relief:

29 (vii) award temporary custody of a minor child of the person
30 eligible for relief and the respondent; [and]

(viii) order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession, and to refrain from possession of any firearm, for the duration of the temporary protective order if the abuse consisted of:

1. the use of a firearm by the respondent against a person eligible for relief;
2. a threat by the respondent to use a firearm against a person eligible for relief;
3. serious bodily harm to a person eligible for relief caused by the respondent; or
4. a threat by the respondent to cause serious bodily harm to a person eligible for relief; AND

~~(IX) IF THE PERSON ELIGIBLE FOR RELIEF OR A FAMILY MEMBER OF THE PERSON ELIGIBLE FOR RELIEF HAS A PET OR SERVICE ANIMAL OR THE RESPONDENT HAS POSSESSION OF A PET OR SERVICE ANIMAL OF THE PERSON ELIGIBLE FOR RELIEF OR OF A FAMILY MEMBER OF THE PERSON ELIGIBLE FOR RELIEF, ORDER THE RESPONDENT TO:~~

~~1. REMAIN AWAY FROM THE PET OR SERVICE ANIMAL;~~

~~2. REFRAIN FROM CRUELTY OR AGGRAVATED CRUELTY TOWARD THE PET OR SERVICE ANIMAL AS PROHIBITED UNDER § 10-604(A) OR § 10-606(A) OF THE CRIMINAL LAW ARTICLE; OR~~

~~3. IF THE RESPONDENT HAS POSSESSION OF THE PET OR SERVICE ANIMAL, GIVE THE PET OR SERVICE ANIMAL TO THE PERSON ELIGIBLE FOR RELIEF, TO A FAMILY MEMBER OF THE PERSON ELIGIBLE FOR RELIEF, OR TO A SUITABLE THIRD PARTY AWARD TEMPORARY POSSESSION OF ANY PET OF THE PERSON ELIGIBLE FOR RELIEF OR THE RESPONDENT.~~

4-506.

(d) The final protective order may include any or all of the following relief:

(11) direct the respondent or any or all of the persons eligible for relief to participate in professionally supervised counseling or a domestic violence program; [or]

1 (12) order the respondent to pay filing fees and costs of a proceeding
2 under this subtitle; OR

3 (13) ~~IF THE PERSON ELIGIBLE FOR RELIEF OR A FAMILY MEMBER~~
4 ~~OF THE PERSON ELIGIBLE FOR RELIEF HAS A PET OR SERVICE ANIMAL OR THE~~
5 ~~RESPONDENT HAS POSSESSION OF A PET OR SERVICE ANIMAL OF THE PERSON~~
6 ~~ELIGIBLE FOR RELIEF OR OF A FAMILY MEMBER OF THE PERSON ELIGIBLE FOR~~
7 ~~RELIEF, ORDER THE RESPONDENT TO:~~

8 (I) ~~REMAIN AWAY FROM THE PET OR SERVICE ANIMAL;~~

9 (II) ~~REFRAIN FROM CRUELTY OR AGGRAVATED CRUELTY~~
10 ~~TOWARD THE PET OR SERVICE ANIMAL AS PROHIBITED UNDER § 10-604(A) OR §~~
11 ~~10-606(A) OF THE CRIMINAL LAW ARTICLE; OR~~

12 (III) ~~IF THE RESPONDENT HAS POSSESSION OF THE PET OR~~
13 ~~SERVICE ANIMAL, GIVE THE PET OR SERVICE ANIMAL TO THE PERSON ELIGIBLE~~
14 ~~FOR RELIEF, TO A FAMILY MEMBER OF THE PERSON ELIGIBLE FOR RELIEF, OR~~
15 ~~TO A SUITABLE THIRD PARTY AWARD TEMPORARY POSSESSION OF ANY PET OF~~
16 ~~THE PERSON ELIGIBLE FOR RELIEF OR THE RESPONDENT.~~

17 ~~4-509.~~

18 (a) ~~A person who fails to comply with the relief granted in an interim~~
19 ~~protective order under § 4-504.1(c)(1), (2), (3), (4)(i), (7), [or] (8), OR (9) of this~~
20 ~~subtitle, a temporary protective order under § 4-505(a)(2)(i), (ii), (iii), (iv), (v), [or]~~
21 ~~(viii), OR (IX) of this subtitle, or a final protective order under § 4-506(d)(1), (2), (3),~~
22 ~~(4), [or] (5), OR (13), or (c) of this subtitle is guilty of a misdemeanor and on conviction~~
23 ~~is subject, for each offense, to:~~

24 (1) ~~for a first offense, a fine not exceeding \$1,000 or imprisonment not~~
25 ~~exceeding 90 days or both; and~~

26 (2) ~~for a second or subsequent offense, a fine not exceeding \$2,500 or~~
27 ~~imprisonment not exceeding 1 year or both.~~

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2011.