

HOUSE BILL 1080

D3, E2, E4

1lr1217
CF SB 760

By: **Delegate Moon**

Introduced and read first time: February 5, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Animal Cruelty – Petition for Costs for Care of Seized Animal**

3 FOR the purpose of authorizing, if an animal is seized under a certain provision of law,
4 certain individuals to file a petition against a certain owner or custodian for certain
5 costs; requiring that a certain petition be filed by a certain date; providing for service
6 of the petition; requiring the court to set and hold a certain hearing; requiring a
7 certain petitioner to present certain evidence at the hearing; authorizing a certain
8 person to object to the petition; requiring the court to issue a certain order within a
9 certain period; providing that a certain order include certain fees and costs; providing
10 for the payment of certain costs; providing for forfeiture of a certain animal under
11 certain circumstances; authorizing the euthanasia of a certain animal under certain
12 circumstances; authorizing the court to adjust a certain order; establishing that a
13 certain payment does not prevent the provision of certain care for or transfer of a
14 seized animal; providing that certain costs may not be reimbursed under certain
15 circumstances; providing for the termination of a certain order; establishing
16 immunity from certain liability under certain circumstances; defining a certain term;
17 and generally relating to animal cruelty.

18 BY repealing and reenacting, without amendments,
19 Article – Criminal Law
20 Section 10–615
21 Annotated Code of Maryland
22 (2012 Replacement Volume and 2020 Supplement)

23 BY adding to
24 Article – Criminal Law
25 Section 10–615.1
26 Annotated Code of Maryland
27 (2012 Replacement Volume and 2020 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Criminal Law**

3 10–615.

4 (a) If an owner or custodian of an animal is convicted of an act of animal cruelty,
5 the court may order the removal of the animal or any other animal at the time of conviction
6 for the protection of the animal.

7 (b) (1) An officer or authorized agent of a humane society, or a police officer or
8 other public official required to protect animals may seize an animal if necessary to protect
9 the animal from cruelty.

10 (2) (i) An animal that a medical and scientific research facility
11 possesses may be removed under this subsection only after review by and a
12 recommendation from the Maryland Department of Health, Center for Veterinary Public
13 Health.

14 (ii) The Maryland Department of Health shall:

15 1. conduct an investigation within 24 hours after receiving a
16 complaint; and

17 2. within 24 hours after completing the investigation, report
18 to the State's Attorney for the county in which the facility is situated.

19 (c) (1) If an animal is impounded, yarded, or confined without necessary food,
20 water, or proper attention, is subject to cruelty, or is neglected, an officer or authorized
21 agent of a humane society, a police officer, another public official required to protect
22 animals, or any invited and accompanying veterinarian licensed in the State, may:

23 (i) enter the place where the animal is located and supply the
24 animal with necessary food, water, and attention; or

25 (ii) remove the animal if removal is necessary for the health of the
26 animal.

27 (2) A person who enters a place under paragraph (1) of this subsection is
28 not liable because of the entry.

29 (d) (1) A person who removes an animal under subsection (c) of this section
30 shall notify the animal's owner or custodian of:

31 (i) the removal; and

32 (ii) any administrative remedies that may be available to the owner

1 or custodian.

2 (2) If an administrative remedy is not available, the owner or custodian
3 may file a petition for the return of the animal in the District Court of the county in which
4 the removal occurred within 10 days after the removal.

5 (e) An animal is considered a stray if:

6 (1) an owner or custodian of the animal was notified under subsection (d)
7 of this section and failed to file a petition within 10 days after removal; or

8 (2) the owner or custodian of the animal is unknown and cannot be
9 ascertained by reasonable effort for 20 days to determine the owner or custodian.

10 (f) This section does not allow:

11 (1) entry into a private dwelling; or

12 (2) removal of a farm animal without the prior recommendation of a
13 veterinarian licensed in the State.

14 (g) In Baltimore County, the Baltimore County Department of Health, Division
15 of Animal Control or an organization that the Baltimore County government approves shall
16 enforce this section.

17 **10-615.1.**

18 (A) IN THIS SECTION, "OWNER" MEANS A PERSON WHO CAN PROVE LEGAL
19 TITLE TO OR OWNERSHIP OF AN ANIMAL AT ISSUE ON THE DATE OF THE SEIZURE.

20 (B) (1) IF AN ANIMAL IS SEIZED UNDER § 10-615 OF THIS SUBTITLE, AN
21 OFFICER OR AUTHORIZED AGENT OF A HUMANE SOCIETY, OR A POLICE OFFICER OR
22 OTHER PUBLIC OFFICIAL REQUIRED TO PROTECT ANIMALS MAY FILE A PETITION
23 AGAINST THE OWNER OR CUSTODIAN OF THE ANIMAL WITH THE COURT IN THE
24 COUNTY WHERE SEIZURE OF THE ANIMAL OCCURRED FOR THE REASONABLE COSTS
25 OF CARING FOR THE ANIMAL, INCLUDING THE PROVISION OF FOOD, WATER,
26 SHELTER, AND MEDICAL CARE.

27 (2) A PETITION SHALL BE FILED WITHIN 7 DAYS AFTER CRIMINAL
28 CHARGES ARE FILED AGAINST THE OWNER OR CUSTODIAN OF THE ANIMAL FOR A
29 VIOLATION OF THIS SUBTITLE.

30 (3) WITHIN 7 DAYS AFTER FILING A PETITION UNDER THIS
31 SUBSECTION, THE PETITIONER SHALL SERVE THE PETITION ON THE OWNER OR
32 CUSTODIAN OF THE ANIMAL BY PERSONAL SERVICE OR BY REGISTERED MAIL TO:

(I) THE OWNER'S OR CUSTODIAN'S MAILING ADDRESS;

(II) THE PLACE OF BUSINESS OF THE OWNER'S OR CUSTODIAN'S
COUNSEL OF RECORD; OR

(III) IF THE OWNER OR CUSTODIAN IS DETAINED PRETRIAL, THE
DETENTION FACILITY WHERE THE OWNER OR CUSTODIAN IS LOCATED.

(C) ON RECEIPT OF A PETITION, THE COURT SHALL SET A DATE FOR A
HEARING TO DETERMINE THE RESPONSIBILITY OF THE OWNER OR CUSTODIAN FOR
THE REASONABLE COSTS OF CARE FOR THE SEIZED ANIMAL.

(D) (1) A HEARING UNDER SUBSECTION (C) OF THIS SECTION SHALL BE
SCHEDULED NOT LESS THAN 14 DAYS BUT NOT MORE THAN 21 DAYS FROM THE
SERVICE OF THE PETITION.

(2) THE PETITIONER SHALL SERVE NOTICE OF THE HEARING DATE
ON THE OWNER OR CUSTODIAN OF THE SEIZED ANIMAL.

(E) AT THE HEARING, THE PETITIONER SHALL PRESENT EVIDENCE THAT
DEMONSTRATES:

(1) THE AMOUNT OF REASONABLE COSTS OF CARE FOR THE SEIZED
ANIMAL; AND

(2) THAT THE SEIZURE OF THE ANIMAL WAS WARRANTED.

(F) THE OWNER OR CUSTODIAN OF THE SEIZED ANIMAL SHALL HAVE THE
OPPORTUNITY TO OBJECT TO THE PETITION AT THE HEARING ON THE PETITION.

(G) (1) (I) NOT LATER THAN 5 DAYS AFTER THE COMMENCEMENT OF
THE HEARING, THE COURT SHALL ISSUE AN ORDER GRANTING OR DENYING THE
PETITION.

(II) REASONABLE COSTS OF CARE FOR A SEIZED ANIMAL SHALL
BE LIMITED TO \$15 PER DAY PER ANIMAL, IN ADDITION TO NECESSARY MEDICAL
CARE, AS DETERMINED BY A LICENSED VETERINARIAN AND DOCUMENTED BY
INVOICES.

(III) IF THE COURT GRANTS THE PETITION, THE COURT SHALL
ORDER THE OWNER OR CUSTODIAN OF THE SEIZED ANIMAL TO PAY ANY FILING FEES
PAID BY THE PETITIONER TO FILE THE PETITION UNDER SUBSECTION (B) OF THIS

1 SECTION AND THE AMOUNT OF REASONABLE COSTS OF CARE.

2 (2) (I) THE COURT ORDER FOR FILING FEES AND COSTS OF CARE
3 SHALL INCLUDE A SCHEDULE OF MONTHLY PAYMENTS TO BE PAID BY THE OWNER
4 OR CUSTODIAN BEGINNING 30 DAYS AFTER THE INITIAL PAYMENT DESIGNATED IN
5 THE ORDER.

6 (II) PAYMENTS SHALL CONTINUE UNTIL TERMINATION UNDER
7 SUBSECTION (J) OF THIS SECTION.

8 (III) THE ABILITY TO PAY BY THE OWNER OR CUSTODIAN MAY
9 NOT AFFECT THE COURT'S DETERMINATION AS TO THE AMOUNT OF THE
10 REASONABLE COSTS OF CARE.

11 (3) (I) NOT LATER THAN 7 DAYS AFTER SERVICE OF THE COURT
12 ORDER, THE OWNER OR CUSTODIAN SHALL BEGIN TO MAKE PAYMENTS TO THE
13 PETITIONER IN ACCORDANCE WITH THE COURT ORDER.

14 (II) THE OWNER OR CUSTODIAN SHALL CONTINUE TO MAKE
15 PAYMENTS AS REQUIRED BY THE COURT ORDER UNTIL TERMINATION UNDER
16 SUBSECTION (J) OF THIS SECTION.

17 (4) IF AN OWNER OR CUSTODIAN FAILS TO TIMELY PAY ANY OF THE
18 AMOUNTS ORDERED:

19 (I) THE SEIZED ANIMAL FOR WHICH REASONABLE COSTS OF
20 CARE WERE ORDERED SHALL BE AUTOMATICALLY FORFEITED, BY OPERATION OF
21 LAW, TO THE PETITIONER; AND

22 (II) THE PETITIONER SHALL OBTAIN ALL RIGHTS AND
23 PRIVILEGES IN AND OVER THE ANIMAL.

24 (5) THE COURT, ON MOTION BY A PETITIONER, OR THE OWNER OR
25 CUSTODIAN, AND AFTER A HEARING CONSISTENT WITH THIS SECTION, MAY ADJUST
26 THE AMOUNT OF COSTS FOR CARE.

27 (H) (1) (I) PAYMENT FOR REASONABLE COSTS OF CARE BY THE OWNER
28 OR CUSTODIAN OF THE SEIZED ANIMAL DOES NOT PREVENT THE PETITIONER FROM
29 PROVIDING NECESSARY MEDICAL CARE, INCLUDING EUTHANIZING THE SEIZED
30 ANIMAL.

31 (II) THE PETITIONER MAY EUTHANIZE A SEIZED ANIMAL IF THE
32 PETITIONER OBTAINS A WRITTEN OPINION FROM A LICENSED VETERINARIAN WHO

1 STATES IT IS NECESSARY TO ALLEVIATE THE ANIMAL'S SUFFERING.

2 (2) PAYMENT OF REASONABLE COSTS OF CARE UNDER SUBSECTION
3 (G) OF THIS SECTION MAY NOT PREVENT THE PETITIONER FROM TRANSFERRING
4 THE SEIZED ANIMAL TO ANOTHER FACILITY OR CARETAKER IF:

5 (I) THE COURT ORDERS THE TRANSFER; OR

6 (II) THE OWNER OF THE ANIMAL SURRENDERS ALL RIGHTS TO
7 THE ANIMAL.

8 (I) A PETITIONER MAY NOT BE REIMBURSED FOR COSTS OF CARE FOR
9 WHICH THE OWNER OR CUSTODIAN PROVIDES MEDICAL RECORDS, SIGNED BY A
10 LICENSED VETERINARIAN, THAT SHOW THAT THE COSTS ARE UNNECESSARY.

11 (J) A COURT ORDER FOR COSTS SHALL TERMINATE IF THE OWNER OF THE
12 ANIMAL SURRENDERS ALL RIGHTS TO THE ANIMAL OR THE SEIZED ANIMAL IS NO
13 LONGER UNDER THE CONTROL OF THE PETITIONER.

14 (K) A PETITIONER SHALL BE IMMUNE FROM CIVIL LIABILITY FOR DAMAGES
15 ALLEGED BY AN OWNER OR A CUSTODIAN CONCERNING THE CARE PROVIDED BY THE
16 PETITIONER, EXCEPT FOR INTENTIONAL MISCONDUCT OR GROSS NEGLIGENCE
17 RESULTING IN THE DEATH OF THE SEIZED ANIMAL.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2021.