Animal Protection Laws of Maryland

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This chapter contains Maryland's general animal protection and related statutes with an effective date on or before September 1, 2020. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.

Maryland may employ similar provisions within other non-animal-specific criminal and civil statutes; may have other more specific statutes in addition to those included; and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.

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MARYLAND

1. DEFINITION OF "ANIMAL"	"[A] living creature except a human being" MD. CODE, CRIMINAL LAW § 10-601(b) Legislative intent to include animals that are privately owned, strays, domesticated, feral, farm animals, corporately or institutionally owned; or used in privately, locally, State or federally funded scientific or medical activities. MD. CODE, CRIMINAL LAW § 10-602
2. GENERAL CRUELTY *	Definitions MD. CODE, CRIMINAL LAW § 10-601 General cruelty to animals MD. CODE, CRIMINAL LAW § 10-604(a) *Misdemeanor, 90 days imprisonment and/or $1,000 fine* Aggravated cruelty to animals MD. CODE, CRIMINAL LAW § 10-606(b) *Felony, 3 years imprisonment and/or $5,000 fine* Abandoning domestic animal MD. CODE, CRIMINAL LAW § 10-612(a) *Misdemeanor, $100 fine* Poisoning dog MD. CODE, CRIMINAL LAW § 10-618(a) *Misdemeanor, $100 fine* Injury of an equine MD. CODE, CRIMINAL LAW § 10-620 *Misdemeanor, a fine not exceeding 1 year or imprisonment not exceeding 1 year or both.* Surgical restrictions relating to dogs MD. CODE, CRIMINAL LAW § 10-624 *1st offense: misdemeanor, 90 days imprisonment and/or $1,000 fine*

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	Subsequent offenses: misdemeanor, 180 days imprisonment and/or $5,000 fine. Devocalization of cats or dogs MD. CODE, Criminal Law § 10-625 *1st offense: misdemeanor 90 days and/or $1,000 fine* *Subsequent offenses: misdemeanor, 1 year and/or $2,000*
3. EXEMPTIONS	Veterinary practice, research animals, wildlife, accepted farm animal husbandry practices, slaughter, pest control, other MD. CODE, CRIMINAL LAW § 10-603 ***NOTE:*** accepted farmed animal husbandry practices may be considered criminal if there is a failure to use the most humane method reasonably available. Veterinary practice MD. CODE, CRIMINAL LAW §§ 10-606; 10-624; 10-625
4. FIGHTING & RACKETEERING	Attending a dogfight or cockfight MD. CODE, CRIMINAL LAW § 10-605 *Misdemeanor, 1 year imprisonment and/or $2,500 fine* Various dogfighting and cockfighting activities MD. CODE, CRIMINAL LAW §§ 10-607, 10-608 *Felony, 3 years imprisonment and/or $5,000 fine* Possession of dog fighting implements MD. CODE, CRIMINAL LAW § 10-607.1 *Misdemeanor 90 days imprisonment and/or $5,000*
5. SEXUAL ASSAULT	Sexual assault of an animal MD. CODE, CRIMINAL LAW § 3-322 *Misdemeanor, 10 years imprisonment and/or $1,000 fine* Sexual contact with an animal MD. CODE, CRIMINAL LAW § 10-606 *Felony, 3 years imprisonment and/or $5,000 fine*
6. CRUELTY TO WORKING ANIMALS	Intentionally inflict bodily harm, permanent disability, or death on a

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	law enforcement unit animal MD. CODE, CRIMINAL LAW § 10-606(b) *Felony, 3 years imprisonment and/or $5,000 fine*
7. MAXIMUM PENALTIES & STATUTE OF LIMITATIONS**	***NOTE:*** All penalties are defined in the substantive statutes, available in the General Cruelty, Fighting & Racketeering, and Sexual Assault sections of this document. Statute of Limitations *Misdemeanor: 1 year* MD. CTS. & JUD. PROC. § 5-106(a) *Felony: none* ***Note:*** *Greco v. State*, 307 Md. 470, 478 (1986)
8. CROSS ENFORCEMENT & REPORTING	-----
9. VETERINARIAN REPORTING & IMMUNITY	A veterinary practitioner who has reason to believe that an animal has been subjected to cruelty or fighting shall report the suspected cruelty fighting. MD. AGRICULTURE CODE ANN. § 2-313.1(a) A licensed veterinary practitioner is immune from any civil liability that results from reporting suspected animal cruelty or participating in an investigation. MD. CODE ANN. CTS. & JUD. PRO § 5-424(3),(4)
10. LAW ENFORCEMENT POLICIES	Humane agents shall arrest certain offenders. MD. CODE, CRIMINAL LAW § 10-609
11. SEIZURE	Police officers and authorized humane agents may seize animals to protect them from cruelty; any authorized humane agent or any police officer or other public officials charged with the protection of animals may enter onto property where animals are being cruelly treated or neglected and care for the animals. MD. CODE, CRIMINAL LAW § 10-615 ***NOTE:*** Statute contains special procedures for seizing research and farm animals.

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12. COURTROOM ANIMAL ADVOCATE PROGRAM	-----
13. PROTECTION ORDERS†	Definition of "pet" MD. CODE, Fam. Law § 4-501(n) Court may award petitioner temporary possession of a pet MD. CODE, Fam. Law §§ 4-504.1(c)(9), 4-505(a)(1)(ix), 4-506(d)(13)
14. RESTITUTION †	As a condition of sentencing for aggravated cruelty, the court may order the defendant to pay all reasonable costs of removing, housing, treating, or euthanizing the seized animal. MD. CODE, CRIMINAL LAW § 10-606 Expenses may be collected from owner; the animal is not exempt from levy and sale on execution of judgment for the expenses. MD. CODE, CRIMINAL LAW § 10-617(d)(2),(3)
15. FORFEITURE & POSSESSION BANS †	As a condition of probation, the court may prohibit an offender from owning, possessing, or residing with an animal. MD. CODE, CRIMINAL LAW §§ 10-604(b)(3), 10-606(c)(2) Upon conviction for animal fighting, the court may prohibit the offender from owning, possessing, or residing with an animal. MD. CODE, CRIMINAL LAW §§ 10-607; 10-607.1; 10-608 Upon conviction, the court may order removal of the victim animal or any other animal for its protection. MD. CODE, CRIMINAL LAW § 10-615(a) Domestic animals may be forfeited if unclaimed for 72 hours. MD. CODE, CRIMINAL LAW § 10-617
16. COURT-ORDERED TREATMENT†	The court may order psychological counseling, to be paid by defendant, as a condition of sentencing for animal cruelty or animal fighting. MD. CODE, CRIMINAL LAW §§ 10-604(b)(2); 10-605(c)(2); 10-606(c)(2); 10-607(c)(2); 10-607.1(c)(2); 10-608(c)(2)

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ANIMAL PROTECTION LAWS OF MARYLAND

17. HOT CARS	Law enforcement and other authorities may remove domestic animals left unattended in a vehicle MD. CODE, TRANSPORTATION § 21-1004.1
18. CIVIL NUISANCE ABATEMENT	-----
19. AG-GAG LAWS	-----
20. BREED SPECIFIC LEGISLATION	------

* States may have other more specific statutes in addition to the general animal protection statutes referenced in this table.

** Despite statutory maximums, states often employ sentencing guidelines that may significantly alter the allowable sentence.

† This table generally references only those provisions that are within each state's animal protection statutes. States may employ similar provisions within other non-animal-specific criminal and civil statutes, and may also have a variety of animal-related regulations in effect.

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1. DEFINITION OF "ANIMAL"

MD. CODE, CRIMINAL LAW § 10-601. Definitions.

In general

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

Animal

(b) *"Animal" means a living creature except a human being.*

Cruelty

(c)

(1) "Cruelty" means the unnecessary or unjustifiable physical pain or suffering caused or allowed by an act, omission, or neglect.

(2) "Cruelty" includes torture and torment.

Humane society

(d) "Humane society" means a society or association incorporated in Maryland for the prevention of cruelty to animals.

MD. CODE, CRIMINAL LAW § 10-602. Legislative intent.

It is the intent of the General Assembly that each animal in the State be protected from intentional cruelty, including animals that are:

(1) *privately owned;*
(2) *strays;*
(3) *domesticated;*
(4) *feral;*
(5) *farm animals;*
(6) *corporately or institutionally owned; or*
(7) *used in privately, locally, State, or federally funded scientific or medical activities.*

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2. GENERAL CRUELTY

MD. CODE, CRIMINAL LAW § 10-601. Definitions.

In general

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

Animal

(b) "Animal" means a living creature except a human being.

Cruelty

(c)

(1) *"Cruelty" means the unnecessary or unjustifiable physical pain or suffering caused or allowed by an act, omission, or neglect.*

(2) *"Cruelty" includes torture and torment.*

Humane society

(d) *"Humane society" means a society or association incorporated in Maryland for the prevention of cruelty to animals.*

MD. CODE, CRIMINAL LAW § 10-604. Abuse or neglect of animal.

Prohibited

(a) *A person may not:*

(1) *overdrive or overload an animal;*

(2) *deprive an animal of necessary sustenance;*

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

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

(5) *if the person has charge or custody of an animal, as owner or otherwise, unnecessarily fail to provide the animal with:*

(i) *nutritious food in sufficient quantity;*

(ii) *necessary veterinary care;*

(iii) *proper drink;*

(iv) *proper air;*

(v) *proper space;*

(vi) *proper shelter; or*

(vii) *proper protection from the weather.*

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Penalty

(b)

(1) *A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $1,000 or both.*

(2) As a condition of sentencing, the court may order a defendant convicted of violating this section to:

i. participate in and pay for psychological counseling; and

ii. pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant.

(3) As a condition of probation, the court may prohibit a defendant from owning, possessing, or residing with an animal.

MD. CODE, CRIMINAL LAW § 10-606. Aggravated cruelty to animals—In general.

"Sexual contact with an animal" defined

(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
   B. the sex organ of anus of an animal, and the mouth, sex organ, or anus of a person; or
3. insertion of:
   A. any part of the body of a person into the opening of the vagina or anus of an animal;
   B. any part of an animal's body into the opening of the vagina or anus of a person; or
   C. any object into the opening of the vagina or anus of an animal; and

(ii) committed for the purpose of sexual arousal, sexual gratification, abuse, or financial gain.

(2) "Sexual contact with an animal" does not include:

(i) an accepted veterinary practice;

(ii) artificial insemination of an animal for reproductive purposes;

(iii) accepted animal husbandry practices, including:

1. grooming;
2. raising;
3. breeding;

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4. assisting with the birthing process; or
5. any other activity that provides care for an animal; or

(iv) generally accepted practices relating to the judging of breed confirmation.

Prohibited

(b) *A person may not:*

(1) *intentionally:*

(i) *mutilate an animal;*

(ii) *torture an animal;*

(iii) *cruelly beat an animal;*

(iv) *cruelly kill an animal; or*

(v) *engage in sexual contact with an animal;*

(2) *cause, procure, or authorize an act prohibited under item (1) of this subsection; or*

(3) except in the case of self-defense, intentionally inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit.

Penalty

(c)

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

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

(i) order a defendant convicted of violating this section to:

1. participate in and pay for psychological counseling; and
2. pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; and

(ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

MD. CODE, CRIMINAL LAW § 10-612. Abandoning domestic animal.

Prohibited

(a) *A person who owns, possesses, or has custody of a domestic animal may not drop or leave the animal on a road, in a public place, or on private property with the intent to abandon the animal.*

Penalty

(b) *A person who violates this section is guilty of a misdemeanor* and on conviction is subject to a fine not exceeding $100.

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ANIMAL PROTECTION LAWS OF MARYLAND

MD. CODE, CRIMINAL LAW § 10-618. Poisoning dog.

Prohibited

(a) *A person may not willfully and maliciously give poison or ground glass to a dog, or expose poison or ground glass, with the intent that a dog ingest it.*

Penalty

(b) *A person who violates this section is guilty of a misdemeanor* and on conviction is subject to a fine not exceeding $100 for each violation.

MD. CODE, CRIMINAL LAW § 10-620. Interference with an equine.

(a) In this section, "equine" includes horses, donkeys, mules, and ponies.
(b) This section does not apply to the owner of the equine or a person acting on behalf of or at the direction of the owner of the equine.

Prohibited

(c) *A person may not:*
  (1) *willfully and maliciously interfere with, injure, destroy, or tamper with an equine used for:*
    i. racing or breeding;
    ii. a competitive exhibition of skill, breed, or stamina; or
    iii. any other lawful activity;
  (2) *willfully start, instigate, engage in, or further an act that interferes with, injures, destroys, or tampers with an equine used for:*
    i. racing or breeding;
    ii. a competitive exhibition of skill, breed, or stamina; or
    iii. any other lawful activity; or
  (3) *commit an act that tends to interfere with, injure, destroy, or tamper with an equine used for:*
    i. racing or breeding;
    ii. a competitive exhibition of skill, breed, or stamina; or
    iii. any other lawful activity.

Penalty

(d) *A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 or imprisonment not exceeding 1 year or both.*

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MD. CODE, CRIMINAL LAW § 10-624. Surgical restrictions relating to dogs.

In general

(a) *Except as provided in subsection (b) of this section, a person may not:*
- (1) *crop or cut off the ear of a dog;*
- (2) *dock or cut off the tail of a dog;*
- (3) *cut off the dewclaw of a dog; or*
- (4) *surgically birth a dog.*

Surgical restrictions

(b) A procedure described in subsection (a) of this section may be performed by a licensed veterinarian using anesthesia when appropriate on the animal.

Fines or imprisonment for violation of section

(c) *A person who violates this section is guilty of a misdemeanor and on conviction is subject to:*
- (1) *for a first offense, imprisonment not exceeding 90 days or a fine not exceeding $1,000 or both; and*
- (2) *for a second or subsequent offense, imprisonment not exceeding 180 days or a fine not exceeding $5,000 or both.*

MD. CODE, Criminal Law § 10-625. Devocalization of cats or dogs.

Devocalize defined

(a)
- (1) *"Devocalize" means to perform a surgical procedure involving cutting, notching, punching, abrading, lasering, suturing, or otherwise physically altering the vocal apparatus of a dog or cat with the intent of altering, reducing, or eliminating vocal sounds produced by the animal.*
- (2) *"Devocalize" includes debarking, devoicing, silencing, ventriculocordectomy, vocal cordectomy, bark reduction, and bark softening.*

Persons prohibited from devocalizing dogs or cats

(b) *Except as provided in subsection (c) of this section, a person may not surgically devocalize a dog or cat.*

Devocalization restrictions

(c) A licensed veterinarian may surgically devocalize a dog or cat only if:
- (1) anesthesia is administered to the animal during the procedure; and
- (2) the veterinarian provides the owner or keeper of the animal a written certification that:

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(i) states that the procedure on the animal was medically necessary to treat or relieve a physical illness, a disease, or an injury, or to correct a congenital abnormality that is causing or will cause the animal medical harm or pain; and

(ii) contains:

1. the date and description of the veterinarian's examination and evaluation;
2. supporting diagnoses and findings;
3. the name and current address and telephone number of the animal's owner or keeper; and
4. the name and current address and telephone number, State license number, and signature of the veterinarian.

Misdemeanor conviction for violation of section

(d) *A person who violates this section is guilty of a misdemeanor and on conviction is subject to:*

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

(2) *for a second or subsequent offense, imprisonment not exceeding 1 year or a fine not exceeding $2,000 or both.*

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3. EXEMPTIONS

MD. CODE, CRIMINAL LAW § 10-603. Application of §§ 10-601 through 10-608.

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

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

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

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

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

MD. CODE, CRIMINAL LAW § 10-606. Aggravated cruelty to animals—In general.

"Sexual contact with an animal" defined

(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
   - B. the sex organ of anus of an animal, and the mouth, sex organ, or anus of a person; or
3. insertion of:
   - A. any part of the body of a person into the opening of the vagina or anus of an animal;
   - B. any part of an animal's body into the opening of the vagina or anus of a person; or
   - C. any object into the opening of the vagina or anus of an animal; and

(ii) committed for the purpose of sexual arousal, sexual gratification, abuse, or financial gain.

(2) *"Sexual contact with an animal" does not include:*

(i) *an accepted veterinary practice;*

(ii) *artificial insemination of an animal for reproductive purposes;*

(iii) *accepted animal husbandry practices, including:*

1. *grooming;*

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2. *raising;*
3. *breeding;*
4. *assisting with the birthing process; or*
5. *any other activity that provides care for an animal; or*

(iv) *generally accepted practices relating to the judging of breed confirmation.*

Prohibited

(b) A person may not:

(1) intentionally:

(i) mutilate an animal;
(ii) torture an animal;
(iii) cruelly beat an animal;
(iv) cruelly kill an animal; or
(v) engage in sexual contact with an animal;

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

(3) except in the case of self-defense, intentionally inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit.

Penalty

(c)

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

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

(i) order a defendant convicted of violating this section to:
1. participate in and pay for psychological counseling; and
2. pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; and

(ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

MD. CODE, CRIMINAL LAW § 10-624. Surgical restrictions relating to dogs.

In general

(a) Except as provided in subsection (b) of this section, a person may not:

(1) crop or cut off the ear of a dog;
(2) dock or cut off the tail of a dog;
(3) cut off the dewclaw of a dog; or
(4) surgically birth a dog.

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Surgical restrictions

(b) *A procedure described in subsection (a) of this section may be performed by a licensed veterinarian using anesthesia when appropriate on the animal.*

Fines or imprisonment for violation of section

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:
  (1) for a first offense, imprisonment not exceeding 90 days or a fine not exceeding $1,000 or both; and
  (2) for a second or subsequent offense, imprisonment not exceeding 180 days or a fine not exceeding $5,000 or both.

MD. CODE, Criminal Law § 10-625. Devocalization of cats or dogs.

Devocalize defined

(a)
  (1) "Devocalize" means to perform a surgical procedure involving cutting, notching, punching, abrading, lasering, suturing, or otherwise physically altering the vocal apparatus of a dog or cat with the intent of altering, reducing, or eliminating vocal sounds produced by the animal.
  (2) "Devocalize" includes debarking, devoicing, silencing, ventriculocordectomy, vocal cordectomy, bark reduction, and bark softening.

Persons prohibited from devocalizing dogs or cats

(b) Except as provided in subsection (c) of this section, a person may not surgically devocalize a dog or cat.

Devocalization restrictions

(c) *A licensed veterinarian may surgically devocalize a dog or cat only if:*
  (1) *anesthesia is administered to the animal during the procedure; and*
  (2) *the veterinarian provides the owner or keeper of the animal a written certification that:*
    (i) *states that the procedure on the animal was medically necessary to treat or relieve a physical illness, a disease, or an injury, or to correct a congenital abnormality that is causing or will cause the animal medical harm or pain; and*
    (ii) *contains:*
      1. *the date and description of the veterinarian's examination and evaluation;*
      2. *supporting diagnoses and findings;*
      3. *the name and current address and telephone number of the animal's owner or keeper; and*

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4. *the name and current address and telephone number, State license number, and signature of the veterinarian.*

Misdemeanor conviction for violation of section

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:
   (1) for a first offense, imprisonment not exceeding 90 days or a fine not exceeding $1,000 or both; and
   (2) for a second or subsequent offense, imprisonment not exceeding 1 year or a fine not exceeding $2,000 or both.

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4. FIGHTING AND RACKETEERING

MD. CODE, CRIMINAL LAW § 10-605. Attending dogfight or cockfight.

Prohibited—Attending dogfights

(a) *A person may not knowingly attend a deliberately conducted dogfight as a spectator.*

Prohibited—Attending cockfights

(b) *Cockfighting. -- A person may not knowingly attend as a spectator a deliberately conducted event that uses a fowl, cock, or other bird to fight with another fowl, cock, or other bird.*

Penalty

(c)

(1) *A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $ 2,500 or both.*

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

MD. CODE, CRIMINAL LAW § 10-607. Aggravated cruelty to animals—Dogfight.

Baiting defined

(a) *In this section, "baiting" means using a dog to train a fighting dog or to test the fighting or killing instinct of another dog.*

Prohibited

(b) *A person may not:*

(1) *use or allow a dog to be used in a dogfight or for baiting;*

(2) *arrange or conduct a dogfight;*

(3) *possess, own, sell, transport, or train a dog with the intent to use the dog in a dogfight or for baiting; or*

(4) *knowingly allow premises under the person's ownership, charge, or control to be used to conduct a dogfight or for baiting.*

Fines and penalties

(c)

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

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

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(i) order a defendant convicted of violating this section to:
1. participate in and pay for psychological counseling; and
2. pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; and

(ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

MD. CODE, CRIMINAL LAW § 10-607.1. Implement of dogfighting.

"Implement of dogfighting" defined

(a)

(1) *In this section, "implement of dogfighting" means an implement, an object, a device, or a drug intended or designed:*
(i) *to enhance the fighting ability of a dog; or*
(ii) *for use in a deliberately conducted event that uses a dog to fight with another dog.*

(2) *"Implement of dogfighting" includes:*
(i) *a breaking stick designed for insertion behind the molars of a dog to break the dog's grip on another animal or object;*
(ii) *a cat mill that rotates around a central support with one arm designed to secure a dog and one arm designed to secure a cat, rabbit, or other small animal beyond the grasp of the dog;*
(iii) *a springpole that has a biting surface attached to a stretchable device, suspended at a height sufficient to prevent an animal from reaching the biting surface while touching the ground;*
(iv) *a fighting pit or other confined area designed to contain a dogfight;*
(v) *a breeding stand or rape stand used to immobilize female dogs for breeding purposes; and*
(vi) *any other instrument or device that is commonly used in the training for, in the preparation for, in the conditioning for, in the breeding for, in the conducting of, or otherwise in furtherance of a dogfight.*

Possession of an implement of dogfighting

(b) *A person may not possess, with the intent to unlawfully use, an implement of dogfighting.*

Fines and penalties

(c)

(1) *A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $ 5,000 or both.*

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(2) As a condition of sentencing, the court may:
  (i) order a defendant convicted of violating this section to participate in and pay for psychological counseling; and
  (ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.
(3) *Each implement of dogfighting possessed in violation of this section is a separate offense.*

MD. CODE, CRIMINAL LAW § 10-608. Aggravated cruelty to animals—Cockfight.

Definitions

(a)
(1) *In this section, "implement of cockfighting" means any implement or device intended or designed:*
  (i) *to enhance the fighting ability of a fowl, cock, or other bird; or*
  (ii) *for use in a deliberately conducted event that uses a fowl, cock, or other bird to fight with another fowl, cock, or other bird.*
(2) *"Implement of cockfighting" includes:*
  (i) *a gaff;*
  (ii) *a slasher;*
  (iii) *a postiza;*
  (iv) *a sparring muff; and*
  (v) *any other sharp implement designed to be attached in place of the natural spur of a gamecock or other fighting bird.*

Prohibited

(b) *A person may not:*
(1) *use or allow the use of a fowl, cock, or other bird to fight with another animal;*
(2) *possess, with the intent to unlawfully use, an implement of cockfighting;*
(3) *arrange or conduct a fight in which a fowl, cock, or other bird fights with another fowl, cock, or other bird;*
(4) *possess, own, sell, transport, or train a fowl, cock, or other bird with the intent to use the fowl, cock, or other bird in a cockfight; or*
(5) *knowingly allow premises under the person's ownership, charge, or control to be used to conduct a fight in which a fowl, cock, or other bird fights with another fowl, cock, or other bird.*

Penalty

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

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(2) As a condition of sentencing, the court may:
    (i) order a defendant convicted of violating this section to:
        1. participate in and pay for psychological counseling; and
        2. pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; and
    (ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

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5. SEXUAL ASSAULT

MD. CODE, CRIMINAL LAW § 3-322. Unnatural or perverted sexual practice.

Prohibited

(a) *A person may not:*
- (1) *take the sexual organ of another or of an animal in the person's mouth;*
- (2) *place the person's sexual organ in the mouth of another or of an animal; or*
- (3) *commit another unnatural or perverted sexual practice with another or with an animal.*

Penalty

(b) *A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $1,000 or both.*

Statute of limitations and in banc review

(c) *A person who violates this section is subject to § 5-106(b) of the Courts Article.*

Charging document

(d) *An indictment for a violation of this section:*
- (1) *is sufficient if it states that the defendant committed an unnatural and perverted sexual practice with a person or animal as applicable; but*
- (2) *need not state the particular:*
  - (i) *unnatural or perverted sexual practice with which the defendant is charged; or*
  - (ii) *manner in which the defendant committed the unnatural or perverted sexual practice.*

MD. CODE, CRIMINAL LAW § 10-606. Aggravated cruelty to animals—In general.

"Sexual contact with an animal" defined

(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*
     - B. *the sex organ of anus of an animal, and the mouth, sex organ, or anus of a person; or*
  3. *insertion of:*
     - A. *any part of the body of a person into the opening of the vagina or*

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anus of an animal;

B. *any part of an animal's body into the opening of the vagina or anus of a person; or*

C. *any object into the opening of the vagina or anus of an animal; and*

(ii) *committed for the purpose of sexual arousal, sexual gratification, abuse, or financial gain.*

(2) "Sexual contact with an animal" does not include:

(i) an accepted veterinary practice;

(ii) artificial insemination of an animal for reproductive purposes;

(iii) accepted animal husbandry practices, including:

1. grooming;
2. raising;
3. breeding;
4. assisting with the birthing process; or
5. any other activity that provides care for an animal; or

(iv) generally accepted practices relating to the judging of breed confirmation.

Prohibited

(b) A person may not:

(1) intentionally:

(i) mutilate an animal;

(i) torture an animal;

(ii) cruelly beat an animal;

(iii) cruelly kill an animal; or

(iv) engage in sexual contact with an animal;

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

(3) except in the case of self-defense, intentionally inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit.

Penalty

(c)

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

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

(i) order a defendant convicted of violating this section to:

1. participate in and pay for psychological counseling; and
2. pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; and

(ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

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6. CRUELTY TO WORKING ANIMALS

MD. CODE, CRIMINAL LAW § 10-606. Aggravated cruelty to animals—In general.

"Sexual contact with an animal" defined

(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
   - B. the sex organ of anus of an animal, and the mouth, sex organ, or anus of a person; or
3. insertion of:
   - A. any part of the body of a person into the opening of the vagina or anus of an animal;
   - B. any part of an animal's body into the opening of the vagina or anus of a person; or
   - C. any object into the opening of the vagina or anus of an animal; and

(ii) committed for the purpose of sexual arousal, sexual gratification, abuse, or financial gain.

(2) "Sexual contact with an animal" does not include:

(i) an accepted veterinary practice;

(ii) artificial insemination of an animal for reproductive purposes;

(iii) accepted animal husbandry practices, including:

1. grooming;
2. raising;
3. breeding;
4. assisting with the birthing process; or
5. any other activity that provides care for an animal; or

(iv) generally accepted practices relating to the judging of breed confirmation.

Prohibited

(b) *A person may not:*

(1) intentionally:

(i) mutilate an animal;

(ii) torture an animal;

(iii) cruelly beat an animal;

(iv) cruelly kill an animal; or

(v) engage in sexual contact with an animal;

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

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(3) *except in the case of self-defense, intentionally inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit.*

Penalty

(c)

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

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

(i) order a defendant convicted of violating this section to:

1. participate in and pay for psychological counseling; and
2. pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; and

(ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

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7. MAXIMUM PENALTIES & STATUTES OF LIMITATIONS

NOTE: All penalties are defined in the substantive statutes, available in the General Cruelty, Fighting & Racketeering, and Sexual Assault sections of this document.

MD. CTS. & JUD. PROC. § 5-106. Misdemeanors and other prosecutions.

In general

(a) *Except as provided by this section, § 1-303 of the Environment Article, and § 8-1815 of the Natural Resources Article, a prosecution for a misdemeanor shall be instituted within 1 year after the offense was committed.*

Misdemeanors punishable by imprisonment

(b) Notwithstanding § 9-103(a)(3) of the Correctional Services Article or any other provision of the Code, if a statute provides that a misdemeanor is punishable by imprisonment in the penitentiary or that a person is subject to this subsection:
  (1) The State may institute a prosecution for the misdemeanor at any time; and
  (2) For purposes of the Maryland Constitution, the person:
    (i) Shall be deemed to have committed a misdemeanor whose punishment is confinement in the penitentiary; and
    (ii) May reserve a point or question for in banc review as provided under Article IV, § 22 of the Maryland Constitution.

Vehicle code prosecutions

(c) A prosecution under the vehicle code shall be instituted within 2 years after the offense was committed if the charge is:
  (1) Unlawfully using a driver's license; or
  (2) Fraudulently using a false or fictitious name when applying for a driver's license.

Sabbath breaking or drunkenness prosecutions

(d) A prosecution for Sabbath breaking or drunkenness shall be instituted within 30 days after the offense was committed.

Alcoholic beverage sale prosecutions in Allegany County

(e) In Allegany County, a prosecution for selling alcoholic beverages to a person under the legal age for drinking such alcoholic beverages or for selling alcoholic beverages after hours shall be instituted within 30 days after the offense was committed.

Misdemeanors that are criminal offenses under ethics laws or committed by officers of the State

(f) A prosecution for the commission of or the attempt to commit a misdemeanor constituting: (1) a criminal offense under the Maryland Public Ethics Law;[1] or (2) criminal malfeasance, misfeasance, or nonfeasance in office committed by an officer of the State, or of an agency

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of the State, or of a political subdivision of the State, or of a bicounty or multicounty agency in the State shall be instituted within 2 years after the offense was committed.

Conspiracy to commit offenses under subsection (f)

(g) A prosecution for conspiracy to commit any of the offenses enumerated in subsection (f) of this section shall be instituted within 2 years after the offense was committed.

Fines for election law offenses

(h) A prosecution: (1) for the commission of or for the attempt to commit a misdemeanor constituting a criminal offense under the State election laws; or (2) to impose a civil fine for an offense arising under § 13-604 of the Election Law Article shall be instituted within 3 years after the offense was committed.

Fines sought by State Ethics Commission

(i) A petition by the State Ethics Commission to seek a civil fine under § 5-902(b) of the General Provisions Article may not be initiated unless the complaint is filed by the Commission within 3 years from the time the conduct ended.

Welfare offenses

(j) A prosecution for a welfare offense under §§ 8-501 through 8-504 of the Criminal Law Article shall be instituted within 3 years after the offense was committed.

Public fraud or fundraising offenses

(k) A prosecution for a misdemeanor offense under Title 8, Subtitle 5, Part II of the Criminal Law Article shall be instituted within 3 years after the offense was committed.

Sales and use, admission and amusement, and other tax violations

(l) A prosecution for an offense arising under the Tax--General Article with respect to the sales and use, admissions and amusement, financial institution franchise, income, or motor fuel tax shall be instituted within 3 years after the date on which the offense was committed.

Failure to secure workers' compensation insurance

(m) A prosecution for the offense of failure to secure workers' compensation insurance in accordance with Title 9, Subtitle 4 of the Labor and Employment Article shall be instituted within 1 year after the State Workers' Compensation Commission finds, by order, that the employer was uninsured or, pursuant to the authority contained in § 9-1003 of the Labor and Employment Article, within 1 year after the Uninsured Employers' Fund makes payment under § 9-1003 of the Labor and Employment Article, as directed by the Commission.

Conspiracy crimes

(n) Except as provided in subsection (g) of this section, the statute of limitations for the prosecution of the crime of conspiracy is the statute of limitations for the prosecution of the substantive crime that is the subject of the conspiracy.

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Operating motor vehicles or vessels while under the influence

(o) A prosecution for an offense under Title 2, Subtitle 5 or § 2-209 of the Criminal Law Article or § 20-102 of the Transportation Article shall be instituted within 3 years after the offense was committed.

Wage discrimination on basis of sex

(p) A prosecution for an offense of discrimination on the basis of sex in paying wages under §§ 3-301through 3-308 of the Labor and Employment Article shall be instituted within 3 years after the performance of the act on which the prosecution is based.

Unlawfully charging or receiving compensation in connection with adoption

(q) A prosecution for an offense under § 5-362, § 5-3A-45, or § 5-3B-32 of the Family Law Article as to unlawfully charging or receiving compensation in connection with adoption shall be instituted within 3 years after the offense was committed.

Practicing or attempting to practice medicine without a license

(r) A prosecution for an offense under § 14-601 of the Health Occupations Article of practicing, attempting to practice, or offering to practice medicine without a license shall be instituted within 3 years after the offense was committed.

Offenses under Maryland Charitable Solicitations Act

(s) A prosecution for an offense under the Maryland Charitable Solicitations Act (Title 6 of the Business Regulation Article) shall be instituted within 3 years after the offense was committed.

Offenses relating to straw sales of regulated firearms

(t) A prosecution for an offense under § 5-140, § 5-141, or § 5-144 of the Public Safety Article, relating to straw sales of regulated firearms to prohibited persons or minors and to illegal sales, rentals, transfers, possession, or receipt of regulated firearms, shall be instituted within 3 years after the offense was committed.

Fish, fisheries, and wildlife violations

(u) A prosecution for a violation of the fish and fisheries provisions of Title 4 of the Natural Resources Article or the wildlife provisions of Title 10 of the Natural Resources Article shall be instituted within 2 years after commission of the offense.

Computer crimes

(v) A prosecution under § 7-302 of the Criminal Law Article relating to computer crimes shall be instituted within 3 years after the offense was committed.

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Abuse or neglect of a vulnerable adult

(w) A prosecution for an offense under § 3-605 of the Criminal Law Article relating to abuse or neglect of a vulnerable adult shall be instituted within 2 years after the offense was committed.

Misdemeanor offenses under the Health Occupations Article

(x) A prosecution for a misdemeanor offense under Title 1A, Title 9, or Title 17 of the Health Occupations Article shall be instituted within 3 years after the offense was committed.

Misdemeanor offenses under the Insurance Article

(y) A prosecution for a misdemeanor offense under the Insurance Article shall be instituted within 3 years after the offense was committed.

Misdemeanor offenses under § 3-308(c) of the Criminal Law Article

(z) A prosecution for a misdemeanor offense under § 3-308(c) or, if the victim was a minor at the time of the offense, § 3-308(b)(1) of the Criminal Law Article shall be instituted within 3 years after the offense was committed.

Environmental protection or natural resource conservation prosecutions in Anne Arundel County

(aa)

(1) This subsection applies in Anne Arundel County to an offense that:
   (i) Occurs in the Chesapeake Bay Critical Area, as defined in § 8-1807 of the Natural Resources Article; and
   (ii) Is a violation of a local law that relates to environmental protection or natural resource conservation, including a local law regulating:
      1. Grading;
      2. Sediment control;
      3. Stormwater management;
      4. Zoning;
      5. Construction; or
      6. Health and public safety.

(2) A prosecution for an offense described in paragraph (1) of this subsection shall be instituted within 3 years after the commission of the offense.

Misdemeanors under § 11-208 of the Criminal Law Article

(bb) A prosecution for a misdemeanor offense under § 11-208 of the Criminal Law Article shall be instituted within 2 years after the offense was committed.

Misdemeanor offenses under Health Occupations Article

(cc) A prosecution for a misdemeanor offense under Title 8, Subtitle 7 or § 8-6B-23 of the Health Occupations Article shall be instituted within 3 years after the offense was committed.

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Use of firearm in commission of crime of violence or felony

(dd) The statute of limitations for the prosecution of an offense under § 4-204 of the Criminal Law Articlerelating to the use of a firearm in the commission of a crime of violence or felony is the same as the statute of limitations for the underlying crime.

Talbot County

(ee)

(1) This subsection applies in Talbot County to an offense that:
   (i) Occurs in the Chesapeake Bay Critical Area, as defined in § 8-1807 of the Natural Resources Article; and
   (ii) Is a violation of a local law that relates to environmental protection or natural resource conservation, including a local law regulating:
      1. Grading;
      2. Sediment control;
      3. Stormwater management;
      4. Zoning;
      5. Construction; or
      6. Health and public safety.

(2) A criminal prosecution or a suit for a civil penalty for an offense described in paragraph (1) of this subsection shall be instituted within 3 years after the local authorities in fact knew or reasonably should have known of the violation.

Solicitation to commit murder in the first or second degree, arson in the first or second degree,

(ff) The statute of limitations for the prosecution of the crime of solicitation to commit murder in the first degree in violation of § 2-201 of the Criminal Law Article, murder in the second degree in violation of § 2-204 of the Criminal Law Article, arson in the first degree in violation of § 6-102 of the Criminal Law Article, or arson in the second degree in violation of § 6-103 of the Criminal Law Article is 3 years.

NOTE: There is no statute of limitations for felonies. See Greco v. State, 307 Md. 470, 478 (1986).

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8. CROSS ENFORCEMENT & REPORTING

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9. VETERINARY REPORTING & IMMUNITY

MD. AGRICULTURE CODE ANN. § 2-313.1. Mandated reporting of suspected case of animal cruelty or fighting.

In general

(a) *A veterinary practitioner who has reason to believe that an animal that has been treated by the veterinary practitioner has been subjected to cruelty or fighting in violation of § 10–604, § 10–606, § 10–607, or § 10–608 of the Criminal Law Article shall report the suspected animal cruelty or animal fighting to the appropriate law enforcement agency or county animal control agency in a timely manner.*

Report requirements

(b) A veterinary practitioner who makes a report under subsection (a) of this section shall include in the report:
- (1) The name, age, and location of the animal;
- (2) The name and home address of the owner or custodian of the animal;
- (3) The nature and extent of the suspected animal cruelty or animal fighting, including any evidence or information available to the veterinary practitioner concerning possible previous instances of animal cruelty or animal fighting; and
- (4) Any other information that would help determine:
  - (i) The cause of the suspected animal cruelty or animal fighting; and
  - (ii) The identity of any individual responsible for the suspected animal cruelty or animal fighting.

Immunity

(c) *A veterinary practitioner who reports in good faith suspected animal cruelty or animal fighting or participates in an investigation of suspected animal cruelty or animal fighting is immune from:*
- *(1) Civil liability that results from the report or participation in the investigation; or*
- *(2) Criminal prosecution for the report or participation in the investigation.*

Regulations

(d) The Board shall adopt regulations establishing:
- (1) Confidentiality procedures for protecting the identity of the veterinary practitioner making a report under this section;
- (2) Confidentiality procedures for protecting the substance of a report made under this section and any records associated with the report; and
- (3) Conditions under which the substance of a report may be disclosed.

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MD. CODE ANN. CTS. & JUD. PRO § 5-424. Licensed veterinary practitioners

A licensed veterinary practitioner is immune from any civil liability that results from:

(1) The actions of a licensed acupuncturist that practices in accordance with § 2-301(g)(11) of the Agriculture Article;

(2) The actions of a person that:

  (i) Is licensed, certified, or otherwise authorized to practice a health occupation under the Health Occupations Article; and

  (ii) Is authorized to practice the health occupation on an animal in accordance with § 2-304 of the Agriculture Article;

(3) *A report in good faith of suspected animal cruelty or animal fighting to a local law enforcement or county animal control agency under § 2-313.1 of the Agriculture Article; or*

(4) *The licensed veterinary practitioner's participation in an investigation of suspected animal cruelty or animal fighting as provided in § 2-313.1(c) of the Agriculture Article.*

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10. LAW ENFORCEMENT POLICIES

MD. CODE, CRIMINAL LAW § 10-609. Arrest by humane society officer.

In general

(a) Except as provided in subsections (b) and (c) of this section, if an officer of a humane society sees a person committing a misdemeanor that involves cruelty to an animal, the officer shall arrest and bring before the District Court the person committing the misdemeanor.

Calvert County

(b) In Calvert County, if an officer of a humane society or an animal control officer appointed by the County Commissioners or the County Commissioners' designee sees a person committing a misdemeanor that involves cruelty to an animal, the officer shall arrest and bring before the District Court the person committing the misdemeanor.

Baltimore County

(c) In Baltimore County, the Baltimore County Department of Health, Division of Animal Control shall enforce this section.

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11. SEIZURE

MD. CODE, CRIMINAL LAW § 10-615. Care of mistreated animal.

Court-ordered removal

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

Seizure

(b)

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

(2)

(i) *An animal that a medical and scientific research facility possesses may be removed under this subsection only after review by and a recommendation from the Department of Health and Mental Hygiene, Center for Veterinary Public Health.*

(ii) *The Department of Health and Mental Hygiene shall:*

1. *conduct an investigation within 24 hours after receiving a complaint; and*
2. *within 24 hours after completing the investigation, report to the State's Attorney for the county in which the facility is situated.*

Impounded animal

(c)

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

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

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

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

Notification to owner

(d)

(1) *A person who removes an animal under subsection (c) of this section shall notify*

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the animal's owner or custodian of:

(i) *the removal; and*

(ii) *any administrative remedies that may be available to the owner or custodian.*

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

Stray

(e) An animal is considered a stray if:

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

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

Limitations

(f) *This section does not allow:*

(1) *entry into a private dwelling; or*

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

Local enforcement—Baltimore County

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

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12. COURTROOM ANIMAL ADVOCATE PROGRAM

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13. PROTECTION ORDERS

MD. CODE, Fam. Law § 4-501. Definitions.

In general

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

(b)

(1) "Abuse" means any of the following acts:

(i) an act that causes serious bodily harm;

(ii) an act that places a person eligible for relief in fear of imminent serious bodily harm;

(iii) assault in any degree;

(iv) rape or sexual offense under § 3-303, § 3-304, § 3-307, or § 3-308 of the Criminal Law Article or attempted rape or sexual offense in any degree;

(v) false imprisonment;

(vi) stalking under § 3-802 of the Criminal Law Article; or

(vii) revenge porn under § 3-809 of the Criminal Law Article.

(2)

(i) if the person for whom relief is sought is a child, "abuse" may also include abuse of a child, as defined in Title 5, Subtitle 7 of this article.

(ii) Nothing in this subtitle shall be construed to prohibit reasonable punishment, including reasonable corporal punishment, in light of the age and condition of the child, from being performed by a parent or stepparent of the child.

(3) If the person for whom relief is sought is a vulnerable adult, "abuse" may also include abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this article.

Child care provider

(c) "Child care provider" means a person that provides supervision and care for a minor child.

Cohabitant

(d) "Cohabitant" means a person who has had a sexual relationship with the respondent and resided with the respondent in the home for a period of at least 90 days within 1 year before the filing of the petition.

Commissioner

(e) "Commissioner" means a District Court Commissioner appointed in accordance with Article IV, § 41G of the Maryland Constitution.

Court

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(f) "Court" means the District Court or a circuit court in this State.

Emergency family maintenance

(g) "Emergency family maintenance" means a monetary award given to or for a person eligible for relief to whom the respondent has a duty of support under this article based on:
   (1) the financial needs of the person eligible for relief; and
   (2) the resources available to the person eligible for relief and the respondent.

Executive Director

(h) "Executive Director" means the Executive Director of the Governor's Office of Crime Control and Prevention.

Final protective order

(i) "Final protective order" means a protective order issued under § 4-506 of this subtitle.

Home

(j) "Home" means the property in this State that:
   (1) is the principal residence of a person eligible for relief; and
   (2) is owned, rented, or leased by the person eligible for relief or respondent or, in a petition alleging child abuse or abuse of a vulnerable adult, an adult living in the home at the time of a proceeding under this subtitle.

Interim protective order

(k) "Interim protective order" means an order that a Commissioner issues under this subtitle pending a hearing by a judge on a petition.

Local department

(l) "Local department" means the local department that has jurisdiction in the county:
   (1) where the home is located; or
   (2) if different, where the abuse is alleged to have taken place.

Person eligible for relief

(m) "Person eligible for relief" includes:
   (1) the current or former spouse of the respondent;
   (2) a cohabitant of the respondent;
   (3) a person related to the respondent by blood, marriage, or adoption;
   (4) a parent, stepparent, child, or stepchild of the respondent or the person eligible for relief who resides or resided with the respondent or person eligible for relief for at least 90 days within 1 year before the filing of the petition;
   (5) a vulnerable adult;
   (6) an individual who has a child in common with the respondent; and
   (7) an individual who has had a sexual relationship with the respondent within 1

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year before the filing of the petition.

Pet

(n)
(1) "*Pet" means a domesticated animal.*
(2) "*Pet" does not include livestock.*

Petitioner

(o)
(1) "Petitioner" means an individual who files a petition.
(2) "Petitioner" includes:
(i) a person eligible for relief; or
(ii) the following persons who may seek relief from abuse on behalf of a minor or vulnerable adult:
1. the State's Attorney for the county where the child or vulnerable adult lives, or, if different, where the abuse is alleged to have taken place;
2. the department of social services that has jurisdiction in the county where the child or vulnerable adult lives, or, if different, where the abuse is alleged to have taken place;
3. a person related to the child or vulnerable adult by blood, marriage, or adoption; and
4. an adult who resides in the home.

Residence

(p) "Residence" includes the yard, grounds, outbuildings, and common areas surrounding the residence.

Respondent

(q) "Respondent" means the person alleged in the petition to have committed the abuse.

Temporary protective order

(r) "Temporary protective order" means a protective order issued under § 4–505 of this subtitle.

Victim

(s) "Victim" includes a person eligible for relief.

Vulnerable adult

(t) "Vulnerable adult" has the meaning provided in § 14–101(q) of this article.

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MD. CODE, Fam. Law § 4-504.1. Interim protective orders.

When petition filed with commissioner

(a) A petition under this subtitle may be filed with a commissioner when neither the office of the clerk of the circuit court nor the Office of the District Court Clerk is open for business.

Issuance of interim protection order

(b) If a petition is filed with a commissioner and the commissioner finds that there are reasonable grounds to believe that the respondent has abused a person eligible for relief, the commissioner may issue an interim protective order to protect a person eligible for relief.

Scope of interim protective order

(c) *An interim protective order may:*

(1) order the respondent to refrain from further abuse or threats of abuse of a person eligible for relief;

(2) order the respondent to refrain from contacting, attempting to contact, or harassing a person eligible for relief;

(3) order the respondent to refrain from entering the residence of a person eligible for relief;

(4) if a person eligible for relief and the respondent are residing together at the time of the alleged abuse:

(i) order the respondent to vacate the home immediately;

(ii) award to a person eligible for relief custody of any child of the person eligible for relief and respondent then residing in the home; and

(iii) subject to the limits as to a nonspouse specified in § 4–505(a)(2)(iv) of this subtitle, award temporary use and possession of the home to the person eligible for relief;

(5) in a case alleging abuse of a child, award temporary custody of a minor child of the respondent and a person eligible for relief;

(6) in a case alleging abuse of a vulnerable adult, subject to the limits as to a nonspouse specified in § 4–505(a)(2)(iv) of this subtitle, award temporary use and possession of the home to an adult living in the home;

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

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

(9) *award temporary possession of any pet of the person eligible for relief or the respondent.*

Temporary custody awards

(d) If the commissioner awards temporary custody of a minor child under subsection

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(c)(4)(ii) or (5) of this section, the commissioner may order a law enforcement officer to use all reasonable and necessary force to return the minor child to the custodial parent after service of the interim protective order.

Contents of interim protective order

(e)

(1)

(i) An interim protective order shall state the date, time, and location for the temporary protective order hearing and a tentative date, time, and location for a final protective order hearing.

(ii) Except as provided in subsection (h) of this section, or unless the judge continues the hearing for good cause, a temporary protective order hearing shall be held on the first or second day on which a District Court judge is sitting after issuance of the interim protective order.

(2) An interim protective order shall include in at least 10-point bold type:

(i) notice to the respondent that:

1. the respondent must give the court written notice of each change of address;
2. if the respondent fails to appear at the temporary protective order hearing or any later hearing, the respondent may be served with any orders or notices in the case by first-class mail at the respondent's last known address;
3. the date, time, and location of the final protective order hearing is tentative only, and subject to change; and
4. if the respondent does not attend the temporary protective order hearing, the respondent may call the Office of the Clerk of the District Court at the number provided in the order to find out the actual date, time, and location of any final protective order hearing;

(ii) a statement of all possible forms and duration of relief that a temporary protective order or final protective order may contain;

(iii) notice to the petitioner and respondent that, at the hearing, a judge may issue a temporary protective order that grants any or all of the relief requested in the petition or may deny the petition, whether or not the respondent is in court;

(iv) a warning to the respondent that violation of an interim protective order is a crime and that a law enforcement officer shall arrest the respondent, with or without a warrant, and take the respondent into custody if the officer has probable cause to believe that the respondent has violated any provision of the interim protective order; and

(v) the phone number of the Office of the District Court Clerk.

Duties of commissioner

(f) Whenever a commissioner issues an interim protective order, the commissioner shall:

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(1) immediately forward a copy of the petition and interim protective order to the appropriate law enforcement agency for service on the respondent; and
(2) before the hearing scheduled in the interim protective order, transfer the case file and the return of service, if any, to the Office of the District Court Clerk.

Duties of law enforcement officer

(g) A law enforcement officer shall:
(1) immediately on receipt of a petition and interim protective order, serve them on the respondent named in the order;
(2) immediately after service, make a return of service to the commissioner's office or, if the Office of the District Court Clerk is open for business, to the Clerk; and
(3) within two hours after service of the order on the respondent, electronically notify the Department of Public Safety and Correctional Services of the service.

How long interim protective order effective

(h)
(1) Except as otherwise provided in this subsection, an interim protective order shall be effective until the earlier of:
(i) the temporary protective order hearing under § 4-505 of this subtitle; or
(ii) the end of the second business day the Office of the Clerk of the District Court is open following the issuance of an interim protective order.
(2) If the court is closed on the day on which the interim protective order is due to expire, the interim protective order shall be effective until the next day on which the court is open, at which time the court shall hold a temporary protective order hearing.

Decision of commissioner not binding on judge

(i) A decision of a commissioner to grant or deny relief under this section is not binding on, and does not affect any power granted to or duty imposed on, a judge of a circuit court or the District Court under any law, including any power to grant or deny a petition for a temporary protective order or final protective order.

MD. CODE, Fam. Law § 4-505. Temporary protective orders.

In general

(a)
(1) *If, after a hearing on a petition, whether ex parte or otherwise, a judge finds that there are reasonable grounds to believe that a person eligible for relief has been abused, the judge may enter a temporary protective order to protect any person eligible for relief from abuse.*
(2) *The temporary protective order may order any or all of the following relief:*
(i) order the respondent to refrain from further abuse or threats of

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abuse of a person eligible for relief;

(ii) order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief;

(iii) order the respondent to refrain from entering the residence of a person eligible for relief;

(iv) where the person eligible for relief and the respondent are residing together at the time of the alleged abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home, provided that the court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse person eligible for relief unless the name of the person eligible for relief appears on the lease or deed to the home or the person eligible for relief has resided in the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition;

(v) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members;

(vi) order the respondent to remain away from a child care provider of a person eligible for relief while a child of the person is in the care of the child care provider;

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

(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) *award temporary possession of any pet of the person eligible for relief or the respondent.*

(3) If the judge awards temporary custody of a minor child under paragraph (2)(vii) of this subsection, the judge may order a law enforcement officer to use all

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reasonable and necessary force to return the minor child to the custodial parent after service of the temporary protective order.

Service

(b)

(1) Except as provided in paragraph (2) of this subsection, a law enforcement officer shall:
   (i) immediately serve the temporary protective order on the alleged abuser under this section; and
   (ii) within two hours after service of the order on the respondent, electronically notify the Department of Public Safety and Correctional Services of the service using an electronic system approved and provided by the Department of Public Safety and Correctional Services.

(2) A respondent who has been served with an interim protective order under § 4–504.1 of this subtitle shall be served with the temporary protective order in open court or, if the respondent is not present at the temporary protective order hearing, by first–class mail at the respondent's last known address.

(3) There shall be no cost to the petitioner for service of the temporary protective order.

Duration of temporary protective order

(c)

(1) Except as otherwise provided in this subsection, the temporary protective order shall be effective for not more than 7 days after service of the order.

(2) The judge may extend the temporary protective order as needed, but not to exceed 6 months, to effectuate service of the order where necessary to provide protection or for other good cause.

(3) If the court is closed on the day on which the temporary protective order is due to expire, the temporary protective order shall be effective until the second day on which the court is open, by which time the court shall hold a final protective order hearing.

Issuance of final protective order

(d) The judge may proceed with a final protective order hearing instead of a temporary protective order hearing, if:

(1)
   (i) the respondent appears at the hearing;
   (ii) the respondent has been served with an interim protective order; or
   (iii) the court otherwise has personal jurisdiction over the respondent; and

(2) the petitioner and the respondent expressly consent to waive the temporary protective order hearing.

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Investigation of abuse of a child or vulnerable adult

(e)

(1) Whenever a judge finds reasonable grounds to believe that abuse of a child, as defined in Title 5, Subtitle 7 of this article, or abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this article, has occurred, the court shall forward to the local department a copy of the petition and temporary protective order.

(2) Whenever a local department receives a petition and temporary protective order from a court, the local department shall:

(i) investigate the alleged abuse as provided in:

1. Title 5, Subtitle 7 of this article; or
2. Title 14, Subtitle 3 of this article; and

(ii) by the date of the final protective order hearing, send to the court a copy of the report of the investigation.

MD. CODE, Fam. Law § 4-506. Final protective orders.

Hearing

(a) A respondent under § 4–505 of this subtitle shall have an opportunity to be heard on the question of whether the judge should issue a final protective order.

Contents of temporary protective order

(b)

(1)

(i) The temporary protective order shall state the date and time of the final protective order hearing.

(ii) Except as provided in § 4-505(c) of this subtitle, or unless continued for good cause, the final protective order hearing shall be held no later than 7 days after the temporary protective order is served on the respondent.

(2) The temporary protective order shall include notice to the respondent:

(i) in at least 10–point bold type, that if the respondent fails to appear at the final protective order hearing, the respondent may be served by first–class mail at the respondent's last known address with the final protective order and all other notices concerning the final protective order;

(ii) specifying all the possible forms of relief under subsection (d) of this section that the final protective order may contain;

(iii) that the final protective order shall be effective for the period stated in the order, not to exceed 1 year or, under the circumstances described in subsection (i)(2) of this section, 2 years, unless the judge extends the term of the order under § 4–507(a)(2) of this subtitle or the court issues a permanent order under subsection (j) of this section; and

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(iv) in at least 10–point bold type, that the respondent must notify the court in writing of any change of address.

Issuance of final protective order

(c)

(1) If the respondent appears before the court at a protective order hearing or has been served with an interim or temporary protective order, or the court otherwise has personal jurisdiction over the respondent, the judge:
   (i) may proceed with the final protective order hearing; and
   (ii) if the judge finds by a preponderance of the evidence that the alleged abuse has occurred, or if the respondent consents to the entry of a protective order, the judge may grant a final protective order to protect any person eligible for relief from abuse.

(2) A final protective order may be issued only to a person who has filed a petition under § 4–504 of this subtitle.

(3)
   (i) Subject to the provisions of subparagraph (ii) of this paragraph, in cases where both parties file a petition under § 4–504 of this subtitle, the judge may issue mutual protective orders if the judge finds by a preponderance of the evidence that mutual abuse has occurred.
   (ii) The judge may issue mutual final protective orders only if the judge makes a detailed finding of fact that:
      1. both parties acted primarily as aggressors; and
      2. neither party acted primarily in self–defense.

Scope of final protective order

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

(1) order the respondent to refrain from abusing or threatening to abuse any person eligible for relief;

(2) order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief;

(3) order the respondent to refrain from entering the residence of any person eligible for relief;

(4) where the person eligible for relief and the respondent are residing together at the time of the abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or, in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home, provided that the court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse person eligible for relief unless the name of the person eligible for relief appears on the lease or deed to the home or the person eligible for relief has shared the home with the respondent for a period of at least 90 days within 1 year before the filing of the

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petition;

(5) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members;

(6) order the respondent to remain away from a child care provider of a person eligible for relief while a child of the person is in the care of the child care provider;

(7) award temporary custody of a minor child of the respondent and a person eligible for relief;

(8) establish temporary visitation with a minor child of the respondent and a person eligible for relief on a basis which gives primary consideration to the welfare of the minor child and the safety of any other person eligible for relief. If the court finds that the safety of a person eligible for relief will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of any person eligible for relief;

(9) award emergency family maintenance as necessary to support any person eligible for relief to whom the respondent has a duty of support under this article, including an immediate and continuing withholding order on all earnings of the respondent in the amount of the ordered emergency family maintenance in accordance with the procedures specified in Title 10, Subtitle 1, Part III of this article;

(10) award temporary use and possession of a vehicle jointly owned by the respondent and a person eligible for relief to the person eligible for relief if necessary for the employment of the person eligible for relief or for the care of a minor child of the respondent or a person eligible for relief;

(11) except when a protective order is issued for a person eligible for relief described in § 4-501(m)(7) of this subtitle, direct the respondent or any or all of the persons eligible for relief to participate in professionally supervised counseling or a domestic violence program;

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

(13) *award temporary possession of any pet of the person eligible for relief or the respondent.*

(14) *order any other relief that the judge determines is necessary to protect a person eligible for relief from abuse.*

Review of open and shielded records

(e)

(1) Before granting, denying, or modifying a final protective order under this section, the court shall review all open and shielded court records involving the person eligible for relief and the respondent, including records of proceedings under:

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(i) the Criminal Law Article;
(ii) Title 3, Subtitle 15 of the Courts Article; and
(iii) this article.

(2) The court's failure to review records under this subsection does not affect the validity of an order issued under this section.

Surrender of firearms by respondent

(f) The final protective order shall 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 protective order.

Return of minor child to custodial parent

(g) If the judge awards temporary custody of a minor child under subsection (d)(7) of this section, the judge may order a law enforcement officer to use all reasonable and necessary force to return the minor child to the custodial parent after service of the final protective order.

Vacation of home by respondent

(h) In determining whether to order the respondent to vacate the home under § 4–505(a)(2)(iv) of this subtitle or subsection (d)(4) of this section, the judge shall consider the following factors:
(1) the housing needs of any minor child living in the home;
(2) the duration of the relationship between the respondent and any person eligible for relief;
(3) title to the home;
(4) pendency and type of criminal charges against the respondent;
(5) the history and severity of abuse in the relationship between the respondent and any person eligible for relief;
(6) the existence of alternative housing for the respondent and any person eligible for relief; and
(7) the financial resources of the respondent and the person eligible for relief.

Service

(i)
(1) A copy of the final protective order shall be served on the petitioner, the respondent, any affected person eligible for relief, the appropriate law enforcement agency, and any other person the judge determines is appropriate, in open court or, if the person is not present at the final protective order hearing, by first–class mail to the person's last known address.
(2) A copy of the final protective order served on the respondent in accordance with paragraph (1) of this subsection constitutes actual notice to the respondent of the contents of the final protective order. Service is complete upon mailing.

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Duration of relief granted

(j)

(1) Except as provided in paragraphs (2) and (3) of this subsection, all relief granted in a final protective order shall be effective for the period stated in the order, not to exceed 1 year.

(2) All relief granted in a final protective order shall be effective for the period stated in the order, not to exceed 2 years if:

(i) the court issues a final protective order under this section against a respondent on behalf of a person eligible for relief:

1. for an act of abuse committed within 1 year after the date that a prior final protective order issued against the same respondent on behalf of the same person eligible for relief expires; or
2. by consent of the respondent within 1 year after the date that a prior final protective order issued against the same respondent on behalf of the same person eligible for relief expires; and

(ii) the prior final protective order was issued for a period of at least 6 months.

(3) A subsequent circuit court order pertaining to any of the provisions included in the final protective order shall supersede those provisions in the final protective order.

Final protective orders

(k)

(1) Notwithstanding any other provision of this section, the court shall issue a new final protective order against an individual if:

(i) the individual was previously a respondent under this subtitle against whom a final protective order was issued;

(ii) for the act of abuse that led to the issuance of the final protective order, the individual was convicted and sentenced to serve a term of imprisonment of at least 5 years under § 2-205, § 2-206, § 3-202, § 3-203, § 3-303, § 3-304, § 3-309, or § 3-310 of the Criminal Law Article, § 3–305, § 3–306, § 3–311, or § 3–312 of the Criminal Law Article as the sections existed before October 1, 2017, or for conspiracy or solicitation to commit murder and the individual has served at least 12 months of the sentence; and

(iii) the victim of the abuse who was the person eligible for relief in the original final protective order requests the issuance of a new final protective order.

(2) In a final protective order issued under this subsection, the court may grant only the relief that was granted in the original protective order under subsection (d)(1) or (2) of this section.

(3) Unless terminated at the request of the victim, a final protective order issued under this subsection shall be permanent.

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14. RESTITUTION

MD. CODE, CRIMINAL LAW § 10-606. Aggravated cruelty to animals—In general.

"Sexual contact with an animal" defined

(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
   B. the sex organ of anus of an animal, and the mouth, sex organ, or anus of a person; or
3. insertion of:
   A. any part of the body of a person into the opening of the vagina or anus of an animal;
   B. any part of an animal's body into the opening of the vagina or anus of a person; or
   C. any object into the opening of the vagina or anus of an animal; and

(ii) committed for the purpose of sexual arousal, sexual gratification, abuse, or financial gain.

(2) "Sexual contact with an animal" does not include:

(i) an accepted veterinary practice;

(ii) artificial insemination of an animal for reproductive purposes;

(iii) accepted animal husbandry practices, including:

1. grooming;
2. raising;
3. breeding;
4. assisting with the birthing process; or
5. any other activity that provides care for an animal; or

(iv) generally accepted practices relating to the judging of breed confirmation.

Prohibited

(b) A person may not:

(1) intentionally:

(i) mutilate an animal;

(ii) torture an animal;

(iii) cruelly beat an animal;

(iv) cruelly kill an animal; or

(v) engage in sexual contact with an animal;

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

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(3) except in the case of self-defense, intentionally inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit.

Penalty

(c)

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

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

(i) *order a defendant convicted of violating this section to:*

1. participate in and pay for psychological counseling; and
2. *pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; and*

(ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

MD. CODE, CRIMINAL LAW § 10-617. Disposal of domestic animal.

"Animal control unit" defined

(a) In this section, "animal control unit" means the local organization or governmental unit that the appropriate local governmental body designates to house, care for, and control domestic animals of unknown ownership.

In general

(b) An animal control unit shall dispose of an unclaimed dog or cat only by:

(1) placing the animal in a suitable home;
(2) retaining the animal in the animal control unit; or
(3) humanely destroying the animal.

Waiting period

(c) A domestic animal that is impounded by an animal control unit may not be sold, placed, or destroyed until the animal has been carefully inspected for a tag, tattoo, or other identification to ascertain the owner and:

(1) 72 hours have elapsed after notice has been given to the owner;
(2) if the owner cannot be notified, 72 hours have elapsed after the animal is impounded;
(3) the animal is seriously diseased or severely injured; or
(4) the animal is under 3 months of age.

Liability of owner and new owner

(d)

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(1) An animal control unit shall make a reasonable effort to notify the owner of the location of and the procedure for retrieving an impounded animal.
(2) *An owner who retrieves an animal from an animal control unit shall pay all fees, costs, and expenses incurred by the animal control unit.*
(3) *The necessary expenses for food and attention given to an animal under this section may be collected from the owner, and the animal is not exempt from levy and sale on execution of a judgment for the expenses.*
(4) A new owner with whom an animal is placed under subsection (b)(1) of this section may be charged an adoption fee.

Penalty

(e) A person who violates this section:
(1) for a first offense, is subject to a civil fine not exceeding $ 500; and
(2) for a second or subsequent offense, is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500.

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15. FORFEITURE & POSSESSION BANS

MD. CODE, CRIMINAL LAW § 10-604. Abuse or neglect of animal.

Prohibited

(a) A person may not:
- (1) overdrive or overload an animal;
- (2) deprive an animal of necessary sustenance;
- (3) inflict unnecessary suffering or pain on an animal;
- (4) cause, procure, or authorize an act prohibited under item (1), (2), or (3) of this subsection; or
- (5) if the person has charge or custody of an animal, as owner or otherwise, unnecessarily fail to provide the animal with:
  - (i) nutritious food in sufficient quantity;
  - (ii) necessary veterinary care;
  - (iii) proper drink;
  - (iv) proper air;
  - (v) proper space;
  - (vi) proper shelter; or
  - (vii) proper protection from the weather.

Penalty

(b)
- (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $1,000 or both.
- (2) As a condition of sentencing, the court may order a defendant convicted of violating this section to:
  - (i) participate in and pay for psychological counseling; and
  - (ii) pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant.
- (3) *As a condition of probation, the court may prohibit a defendant from owning, possessing, or residing with an animal.*

MD. CODE, CRIMINAL LAW § 10-606. Aggravated cruelty to animals—In general.

"Sexual contact with an animal" defined

(a)
- (1) In this section, "sexual contact with an animal" means any act:
  - (i) involving:

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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
    B. the sex organ or anus of an animal, and the mouth, sex organ, or anus of a person; or
3. insertion of:
    A. any part of the body of a person into the opening of the vagina or anus of an animal;
    B. any part of an animal's body into the opening of the vagina or anus of an animal; or
    C. any object into the opening of the vagina or anus of an animal; and

(ii) committed for the purpose of sexual arousal, sexual gratification, abuse, or financial gain.

(2) "Sexual contact with an animal" does not include:

(i) an accepted veterinary practice;

(ii) artificial insemination of an animal for reproductive purposes;

(iii) accepted animal husbandry practices, including:

1. grooming;
2. raising;
3. breeding;
4. assisting with the birthing process; or
5. any other activity that provides care for an animal; or

(iv) generally accepted practices relating to the judging of breed confirmation.

(b) Prohibited. -- A person may not:

(i) intentionally:

(i) mutilate an animal;

(ii) torture an animal;

(iii) cruelly beat an animal;

(iv) cruelly kill an animal; or

(v) engage in sexual contact with an animal

(vi) cause, procure, or authorize an act prohibited under item (1) of this subsection; or

(vii) except in the case of self-defense, intentionally inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit.

(c)

(i) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(ii) *As a condition of sentencing, the court may:*

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1. order a defendant convicted of violating this section to participate in and pay for psychological counseling.
2. *prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.*

MD. CODE, CRIMINAL LAW § 10-607. Aggravated cruelty to animals—Dogfight.

Baiting defined

(a) In this section, "baiting" means using a dog to train a fighting dog or to test the fighting or killing instinct of another dog.

Prohibited

(b) A person may not:
- (1) use or allow a dog to be used in a dogfight or for baiting;
- (2) arrange or conduct a dogfight;
- (3) possess, own, sell, transport, or train a dog with the intent to use the dog in a dogfight or for baiting; or
- (4) knowingly allow premises under the person's ownership, charge, or control to be used to conduct a dogfight or for baiting.

Fines and penalties

(c)
- (1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $ 5,000 or both.
- (2) *As a condition of sentencing, the court may:*
  - (i) order a defendant convicted of violating this section to:
    1. participate in and pay for psychological counseling; and
    2. pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; and
  - (ii) *prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.*

MD. CODE, CRIMINAL LAW § 10-607.1. Implement of dogfighting.

"Implement of dogfighting" defined

(a)
- (1) In this section, "implement of dogfighting" means an implement, an object, a device, or a drug intended or designed:
  - (i) to enhance the fighting ability of a dog; or

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(ii) for use in a deliberately conducted event that uses a dog to fight with another dog.

(2) "Implement of dogfighting" includes:

(i) a breaking stick designed for insertion behind the molars of a dog to break the dog's grip on another animal or object;

(ii) a cat mill that rotates around a central support with one arm designed to secure a dog and one arm designed to secure a cat, rabbit, or other small animal beyond the grasp of the dog;

(iii) a springpole that has a biting surface attached to a stretchable device, suspended at a height sufficient to prevent an animal from reaching the biting surface while touching the ground;

(iv) a fighting pit or other confined area designed to contain a dogfight;

(v) a breeding stand or rape stand used to immobilize female dogs for breeding purposes; and

(vi) any other instrument or device that is commonly used in the training for, in the preparation for, in the conditioning for, in the breeding for, in the conducting of, or otherwise in furtherance of a dogfight.

Possession of an implement of dogfighting

(b) A person may not possess, with the intent to unlawfully use, an implement of dogfighting.

Fines and penalties

(c)

(1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $ 5,000 or both.

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

(i) order a defendant convicted of violating this section to participate in and pay for psychological counseling; and

(ii) *prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.*

(3) Each implement of dogfighting possessed in violation of this section is a separate offense.

MD. CODE, CRIMINAL LAW § 10-608. Aggravated cruelty to animals—Cockfight.

Definitions

(a)

(1) In this section, “implement of cockfighting” means any implement or device intended or designed:

(i) to enhance the fighting ability of a fowl, cock, or other bird; or

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(ii) for use in a deliberately conducted event that uses a fowl, cock, or other bird to fight with another fowl, cock, or other bird.

(2) "Implement of cockfighting" includes:

(i) a gaff;
(ii) a slasher;
(iii) a postiza;
(iv) a sparring muff; and
(v) any other sharp implement designed to be attached in place of the natural spur of a gamecock or other fighting bird.

Prohibited

(b) A person may not:

(1) use or allow the use of a fowl, cock, or other bird to fight with another animal;
(2) possess, with the intent to unlawfully use, an implement of cockfighting;
(3) arrange or conduct a fight in which a fowl, cock, or other bird fights with another fowl, cock, or other bird;
(4) possess, own, sell, transport, or train a fowl, cock, or other bird with the intent to use the fowl, cock, or other bird in a cockfight; or
(5) knowingly allow premises under the person's ownership, charge, or control to be used to conduct a fight in which a fowl, cock, or other bird fights with another fowl, cock, or other bird.

Penalty

(c)

(1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.
(2) *As a condition of sentencing, the court may:*

(i) order a defendant convicted of violating this section to

1. participate in and pay for psychological counseling; and
2. pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; and

(ii) *prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.*

MD. CODE, CRIMINAL LAW § 10-615. Care of mistreated animal.

Court-ordered removal

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

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Seizure

(b)

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

(2)

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

(ii) The Department of Health and Mental Hygiene shall:

1. conduct an investigation within 24 hours after receiving a complaint; and
2. within 24 hours after completing the investigation, report to the State's Attorney for the county in which the facility is situated.

Impounded animal

(c)

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

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

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

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

Notification to owner

(d)

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

(i) the removal; and

(ii) any administrative remedies that may be available to the owner or custodian.

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

Stray

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

(1) *an owner or custodian of the animal was notified under subsection (d) of this*

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section and failed to file a petition within 10 days after removal; or

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

Limitations

(f) This section does not allow:

(1) entry into a private dwelling; or

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

Local enforcement—Baltimore County

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

MD. CODE, CRIMINAL LAW § 10-617. Disposal of domestic animal.

"Animal control unit" defined

(a) In this section, "animal control unit" means the local organization or governmental unit that the appropriate local governmental body designates to house, care for, and control domestic animals of unknown ownership.

In general

(b) *An animal control unit shall dispose of an unclaimed dog or cat only by:*

(1) *placing the animal in a suitable home;*

(2) *retaining the animal in the animal control unit; or*

(3) *humanely destroying the animal.*

Waiting period

(c) *A domestic animal that is impounded by an animal control unit may not be sold, placed, or destroyed until the animal has been carefully inspected for a tag, tattoo, or other identification to ascertain the owner and:*

(1) *72 hours have elapsed after notice has been given to the owner;*

(2) *if the owner cannot be notified, 72 hours have elapsed after the animal is impounded;*

(3) *the animal is seriously diseased or severely injured; or*

(4) *the animal is under 3 months of age.*

Liability of owner and new owner

(d)

(1) An animal control unit shall make a reasonable effort to notify the owner of the location of and the procedure for retrieving an impounded animal.

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(2) An owner who retrieves an animal from an animal control unit shall pay all fees, costs, and expenses incurred by the animal control unit.
(3) The necessary expenses for food and attention given to an animal under this section may be collected from the owner, and the animal is not exempt from levy and sale on execution of a judgment for the expenses.
(4) A new owner with whom an animal is placed under subsection (b)(1) of this section may be charged an adoption fee.

Penalty

(e) A person who violates this section:
(1) for a first offense, is subject to a civil fine not exceeding $ 500; and
(2) for a second or subsequent offense, is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500.

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16. COURT-ORDERED TREATMENT

MD. CODE, CRIMINAL LAW § 10-604. Abuse or neglect of animal.

Prohibited

(a) A person may not:
- (1) overdrive or overload an animal;
- (2) deprive an animal of necessary sustenance;
- (3) inflict unnecessary suffering or pain on an animal;
- (4) cause, procure, or authorize an act prohibited under item (1), (2), or (3) of this subsection; or
- (5) if the person has charge or custody of an animal, as owner or otherwise, unnecessarily fail to provide the animal with:
  - (i) nutritious food in sufficient quantity;
  - (ii) necessary veterinary care;
  - (iii) proper drink;
  - (iv) proper air;
  - (v) proper space;
  - (vi) proper shelter; or
  - (vii) proper protection from the weather.

Penalty

(b)
- (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $1,000 or both.
- (2) *As a condition of sentencing, the court may order a defendant convicted of violating this section to:*
  - (i) *participate in and pay for psychological counseling*; and
  - (ii) pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant.
- (3) As a condition of probation, the court may prohibit a defendant from owning, possessing, or residing with an animal.

MD. CODE, CRIMINAL LAW § 10-605. Attending dogfight or cockfight.

Prohibited—Attending dogfights

(a) A person may not knowingly attend a deliberately conducted dogfight as a spectator.

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Prohibited—Attending cockfights

(b) Cockfighting. -- A person may not knowingly attend as a spectator a deliberately conducted event that uses a fowl, cock, or other bird to fight with another fowl, cock, or other bird.

Penalty

(c)

(1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $ 2,500 or both.

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

MD. CODE, CRIMINAL LAW § 10-606. Aggravated cruelty to animals—In general.

"Sexual contact with an animal" defined

(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
   B. the sex organ of anus of an animal, and the mouth, sex organ, or anus of a person; or
3. insertion of:
   A. any part of the body of a person into the opening of the vagina or anus of an animal;
   B. any part of an animal's body into the opening of the vagina or anus of a person; or
   C. any object into the opening of the vagina or anus of an animal; and

(ii) committed for the purpose of sexual arousal, sexual gratification, abuse, or financial gain.

(2) "Sexual contact with an animal" does not include:

(i) an accepted veterinary practice;

(ii) artificial insemination of an animal for reproductive purposes;

(iii) accepted animal husbandry practices, including:

1. grooming;
2. raising;
3. breeding;
4. assisting with the birthing process; or
5. any other activity that provides care for an animal; or

(iv) generally accepted practices relating to the judging of breed confirmation.

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Prohibited.

(b) A person may not:

(1) intentionally:

(i) mutilate an animal;

(ii) torture an animal;

(iii) cruelly beat an animal;

(iv) cruelly kill an animal; or

(v) engage in sexual contact with an animal

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

(3) except in the case of self-defense, intentionally inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit.

Penalty

(c)

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

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

(i) *order a defendant convicted of violating this section to:*

1. participate in and pay for psychological counseling; and

2. pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; and

(ii) prohibit a defendant from owning, possessing, or residing with an animal.

MD. CODE, CRIMINAL LAW § 10-607. Aggravated cruelty to animals—Dogfight.

Baiting defined

(a) In this section, "baiting" means using a dog to train a fighting dog or to test the fighting or killing instinct of another dog.

Prohibited

(b) A person may not:

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

(2) arrange or conduct a dogfight;

(3) possess, own, sell, transport, or train a dog with the intent to use the dog in a dogfight or for baiting; or

(4) knowingly allow premises under the person's ownership, charge, or control to be used to conduct a dogfight or for baiting.

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Fines and penalties

(c)

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

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

(i) order a defendant convicted of violating this section to:

1. participate in and pay for psychological counseling; and

2. pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; and

(ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

MD. CODE, CRIMINAL LAW § 10-607.1. Implement of dogfighting.

"Implement of dogfighting" defined

(a)

(1) In this section, "implement of dogfighting" means an implement, an object, a device, or a drug intended or designed:

(i) to enhance the fighting ability of a dog; or

(ii) for use in a deliberately conducted event that uses a dog to fight with another dog.

(2) "Implement of dogfighting" includes:

(i) a breaking stick designed for insertion behind the molars of a dog to break the dog's grip on another animal or object;

(ii) a cat mill that rotates around a central support with one arm designed to secure a dog and one arm designed to secure a cat, rabbit, or other small animal beyond the grasp of the dog;

(iii) a springpole that has a biting surface attached to a stretchable device, suspended at a height sufficient to prevent an animal from reaching the biting surface while touching the ground;

(iv) a fighting pit or other confined area designed to contain a dogfight;

(v) a breeding stand or rape stand used to immobilize female dogs for breeding purposes; and

(vi) any other instrument or device that is commonly used in the training for, in the preparation for, in the conditioning for, in the breeding for, in the conducting of, or otherwise in furtherance of a dogfight.

Possession of an implement of dogfighting

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(b) A person may not possess, with the intent to unlawfully use, an implement of dogfighting.

Fines and penalties

(c)

(1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $ 5,000 or both.

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

(i) *order a defendant convicted of violating this section to participate in and pay for psychological counseling;* and

(ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

(3) Each implement of dogfighting possessed in violation of this section is a separate offense.

MD. CODE, CRIMINAL LAW § 10-608. Aggravated cruelty to animals—Cockfight.

Definitions

(a)

(1) In this section, "implement of cockfighting" means any implement or device intended or designed:

(i) to enhance the fighting ability of a fowl, cock, or other bird; or

(ii) for use in a deliberately conducted event that uses a fowl, cock, or other bird to fight with another fowl, cock, or other bird.

(2) "Implement of cockfighting" includes:

(i) a gaff;

(ii) a slasher;

(iii) a postiza;

(iv) a sparring muff; and

(v) any other sharp implement designed to be attached in place of the natural spur of a gamecock or other fighting bird.

Prohibited

(b) A person may not:

(1) use or allow the use of a fowl, cock, or other bird to fight with another animal;

(2) possess, with the intent to unlawfully use, an implement of cockfighting;

(3) arrange or conduct a fight in which a fowl, cock, or other bird fights with another fowl, cock, or other bird;

(4) possess, own, sell, transport, or train a fowl, cock, or other bird with the intent to use the fowl, cock, or other bird in a cockfight; or

(5) knowingly allow premises under the person's ownership, charge, or control to be

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used to conduct a fight in which a fowl, cock, or other bird fights with another fowl, cock, or other bird.

Penalty

(c)

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

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

(i) *order a defendant convicted of violating this section to:*

1. *participate in and pay for psychological counseling; and*
2. pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; and

(ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

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17. HOT CARS

MD Code, Transportation, § 21-1004.1. Domestic animals left in vehicles

In general

(a) *A person may not leave a cat or dog unattended in a standing or parked motor vehicle in a manner that endangers the health or safety of the cat or dog.*

Use of reasonable force to remove animal from vehicle

(b) *Except as provided in subsection (c) of this section, a person may use reasonable force to remove from a motor vehicle a cat or dog left in the vehicle in violation of the provisions of subsection (a) of this section if the person is:*
- (1) *A law enforcement officer;*
- (2) *A public safety employee of the State or of a local governing body;*
- (3) *An animal control officer under the jurisdiction of the State or a local governing body;*
- (4) *An officer of a society or association, incorporated under the laws of this State for the prevention of cruelty to animals, authorized to make arrests under the provisions of § 10-609 of the Criminal Law Article; or*
- (5) *A volunteer or professional of a fire and rescue service.*

Force in removing dog or cat from custody of officer prohibited

(c) *A person may not use force of any kind to remove from a motor vehicle:*
- (1) *A dog used by the State or a local governing body for police work while the dog is on duty; or*
- (2) *A cat or dog in the custody of an animal control officer.*

Liability for damages

(d) *A person described in subsection (b) of this section may not be held liable for any damages directly resulting from actions taken under the provisions of subsection (b) of this section.*

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18. CIVIL NUISANCE ABATEMENT

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19. AG-GAG LAWS

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20. BREED SPECIFIC LEGISLATION

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