

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

Article 27 - Crimes and Punishments

59.

Any person who (1) overdrives, overloads, deprives of necessary sustenance, tortures, torments, cruelly beats, mutilates or cruelly kills; or (2) causes, procures or authorizes these acts; or (3) having the charge or custody of an animal, either as owner or otherwise, inflicts unnecessary suffering or pain upon the animal, or unnecessarily fails to provide the animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter or protection from the weather, or uses or permits to be used any bird, fowl, or cock for the purpose of fighting with any other animal which is commonly known as cockfighting, is guilty of a misdemeanor and shall be punishable by a fine not exceeding \$1,000 or by imprisonment not to exceed 90 days, or both. Customary and normal veterinary and agricultural husbandry practices including but not limited to dehorning, castration, docking tails, and limit feeding, are not covered by the provisions of this section. In the case of activities in which physical pain may unavoidably be caused to animals, such as food processing, pest elimination, animal training, and hunting, cruelty shall mean a failure to employ the most humane method reasonably available. It is the intention of the General Assembly that all animals, WHETHER THEY BE PRIVATELY OWNED, UNOWNED, STRAYS, DOMESTICATED, FERAL, FARM, CORPORATELY OR INSTITUTIONALLY OWNED, UNDER PRIVATE, LOCAL, STATE, OR FEDERALLY FUNDED SCIENTIFIC OR MEDICAL ACTIVITIES, OR OTHERWISE BEING SITUATED IN MARYLAND shall be protected from intentional cruelty, but that no person shall be liable for criminal prosecution for normal human activities to which the infliction of pain to an animal is purely incidental and unavoidable.

67.

If the owner or custodian of an animal is convicted of any act of animal cruelty, the judge may use his own discretion in ordering the removal of that animal or animals for their protection at the time of conviction. Whenever it becomes necessary, in order to protect any animal from neglect or cruelty, any officer or authorized agent of an animal humane society or any police officer or other public officials charged with the protection of animals may take possession of it, EXCEPT THAT ANIMALS IN THE POSSESSION OF MEDICAL AND SCIENTIFIC RESEARCH FACILITIES MAY NOT BE REMOVED THEREFROM WITHOUT THE PRIOR REVIEW AND RECOMMENDATION OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, DIVISION OF VETERINARY MEDICINE. THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL CONDUCT AN INVESTIGATION WITHIN 24 HOURS OF THE RECEIPT OF A COMPLAINT AND SHALL, WITHIN 24 HOURS OF THE INVESTIGATION, REPORT TO THE STATE'S ATTORNEY OF THE COUNTY IN WHICH THE FACILITIES ARE SITUATED. If an animal is