

COUNTY ORDINANCE NO. 24-17

A BILL ENTITLED

AN ACT CONCERNING Establishment of an Animal Abuse Registry in Queen Anne's County.

FOR THE PURPOSE of establishing a county animal abuser registry; providing for definitions; providing for establishment of an abuser registry; providing for registration requirements for various abuse offenses; providing for prohibition on contact with animals under certain circumstances; providing for prohibition on animal shelters, pet sellers, private citizens, or others from transferring animal ownership to abusers; providing for requirements for animal shelters, pet sellers, private citizens, or others to ensure person not on registry prior to transfer of ownership of animals; providing for exemptions; providing for enforcement and penalties; providing for severability; providing for applicability; providing for an effective date.

BY ADDING ARTICLE V entitled "Animal Abuse Registry" to Chapter 9 of the Code of Public Local Laws of Queen Anne's County;

WHEREAS, while the State of Maryland has criminalized the cruel treatment of animals, animal abuse and cruelty continues to occur in Queen Anne's County and throughout the State of Maryland; and

WHEREAS, the Queen Anne's County Board of County Commissioners ("QACBOCC") finds that animal cruelty is a serious problem, resulting in the abuse of many animals each year; and

WHEREAS, the QACBOCC also finds that a strong correlation has been established linking individuals who abuse animals with incidents of domestic violence and that individuals who abuse animals are statistically more likely to commit violent acts against humans; and

WHEREAS, the QACBOCC further finds that people who have abused animals in the past are likely to do so in the future and studies show that there is a near 100% recidivism rate for certain types of abuse such as animal hoarding; and

WHEREAS, animal ownership carries with it both rights and responsibilities with respect to the humane treatment, care and control of owned animals; and

WHEREAS, the QACBOCC recognizes that residents of Queen Anne's County and their animals need to be protected and that an online registry that identifies abusers is necessary; and

WHEREAS, the QACBOCC has determined that it is in the best interest of the residents of Queen Anne's County and their animals that an online registry be established identifying individuals residing in Queen Anne's County convicted of certain abuse crimes that will prevent these individuals from adopting, purchasing, possessing, or otherwise

obtaining animals from any animal shelter, pet seller, or other person or entity involved in the exchange of animals by adoption, sale, or other means; and

WHEREAS, the QACBOCC finds that it will serve the public health, safety, and welfare of the citizens and animals of Queen Anne's County to create an Animal Abuser Registry for Queen Anne's County.

SECTION I

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND THAT the following be ADDED to the Code of Public Local Laws of Queen Anne's County, Maryland;

ARTICLE V. Animal Abuse Registry

§ 9-31. DEFINITIONS.

The following words, phrases, or terms when used in this Ordinance shall, unless otherwise indicated, have the meanings provided below:

- A. **Animal** shall mean, generally, any living creature, except a human being as defined by Criminal Law definition under Section 10-601(a) of the Annotated Code of Maryland.
- B. **Animal Enjoyment** shall mean any person enjoined by the Court from further possession or custody of other animals under Sections 10-601-10-608 of the Criminal law Article of the Annotated Code of Maryland or otherwise by Court order.
- C. **Abuser** shall mean any persons eighteen (18) years of age or older, including juveniles tried as an adult, who have been convicted of an Abuse Offense.
- D. **Abuse Offense** shall mean the commission of any act that constitutes the criminal offense of:
 - 1. Abuse or Neglect of animals under Section 10-604 of the Criminal Law Article of the Annotated Code of Maryland;
 - 2. Attending dogfights or cockfights under Section 10-605 of the Criminal Law Article of the Annotated Code of Maryland
 - 3. Aggravated Cruelty to Animals under Section 10-606 of the Criminal Law Article of the Annotated Code of Maryland;
 - 4. Aggravated cruelty to animals- Dogfights under Section 10-607 of the Criminal Law Article of the Annotated Code of Maryland;
 - 5. Aggravated cruelty to animals- Cockfights under Section 10-608 of the Criminal Law Article of the Annotated Code of Maryland;

6. Killing of dog or cat- under Section 10-611 of the Criminal Law Article of the Annotated Code of Maryland;
 7. Abandoning domestic animal under Section 10-612 of the Criminal law Section of the Annotated Code of Maryland.
- E. **Abuser Registry** shall mean the online Registry established by this Ordinance for registering any person residing in Queen Anne's County convicted of an Abuse Offense.
 - F. **Animal Shelter** shall mean any public or privately owned organization, including, but not limited to, any incorporated humane society, pound, animal protective association or animal rescue group which maintains buildings, structures, or other property for the purpose of harboring animals which may be stray, unwanted, lost, abandoned, or abused and seeks to find appropriate temporary or permanent homes for such animals.
 - G. **Companion Animal** shall mean a domesticated or tamed animal intended to provide companionship, to be used for personal use or enjoyment, or raised or intended to be raised for non-agricultural purposes; not to include a service animal or other animal or wildlife under the exclusive jurisdiction of the State.
 - H. **BOCC** shall mean the Board of County Commissioners of Queen Anne's County, Maryland.
 - I. **Conviction** shall mean an adjudication of guilt, by any Court of competent jurisdiction, whether upon a verdict or plea of guilty or nolo contendere plea of one or more of the applicable Abuse Offenses.
 - J. **County** shall mean Queen Anne's County or its designated agent.
 - K. **Farm Animal** shall mean horses or animals used in the production of human or animal food, feed or fiber regardless of whether or not the animal is actually being used or raised for such purposes.
 - L. **Person** shall mean any individual (eighteen (18) years of age or older, including, when appropriate, juveniles tried as an adult), firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, entity, or any group or combination thereof.
 - M. **Pet Seller** shall mean any individual or person, partnership, firm, corporation or other entity which offers animals for sale or is engaged in the sale, exchange, or other transfer of ownership of animals.
 - N. **Registrant** shall mean any individual or person required by this Ordinance to be registered with the State's Attorney's Office for the Queen Anne's County Animal Abuser Registry.

0. **Service Animal** shall mean any dog or miniature horse that has been individually trained to do work or perform tasks for people with disabilities as defined under the Americans with Disabilities Act (ADA).

§ 9-32. ESTABLISHMENT OF ABUSER REGISTRY

The Queen Anne's County State's Attorney's Office ("QACSAO") shall establish an online Abuser Registry ("Registry") that shall contain the names, residence, photo, and other related information of any Abuser living in the County who is convicted of an Abuse Offense on or after the effective date of this Ordinance. The on line Registry will be maintained by the State's Attorney's Office, shall be listed on the State's Attorney's Office official website, (available to be posted on the website of other public agencies) and may contain links to other Abuser Registries that are available, or as they become available in the future, to be used as informational resources by Animal Shelters, Pet Sellers, or other persons or entities located in Queen Anne's County when they sell, exchange or otherwise transfer the ownership of an animal. The State's Attorney's Office and/or any other affiliated agencies may promulgate internal policies and procedures, as may be amended from time to time, necessary for the implementation of this Ordinance.

The Registry shall maintain the required information about each particular Abuser, following his or her release from incarceration or, if not incarcerated, from the date of the judgment of conviction:

- A. For a period of three (3) years for a first conviction of a misdemeanor Abuse Offense;
- B. For a period of five (5) years for a first conviction of a felony Abuse Offense; and
- C. For a period of ten (10) years for a second or subsequent conviction of either a misdemeanor or felony Abuse Offense.

The page where the Registry is housed will also include a list of people who are enjoined from custody of animals either in a civil case, or otherwise under Court order or as a condition of their sentencing in a criminal case. The enjoinder list will include people enjoined from custody of animals regardless of whether the Court ordered enjoinder occurred before or after the effective date of this Ordinance.

The State's Attorney's Office will attempt to ensure that the information in the Registry is accurate and complete. However, the State's Attorney's Office relies on other sources for the information. As a result, the State's Attorney's Office shall make no express or implied guarantee concerning the accuracy or completeness of any of the data in the Registry.

The information in this Registry must be used responsibly. Anyone who uses this information to knowingly harass or interfere with lawful commerce may be subject to potential legal remedies and liability.

Upon notification to the State's Attorney's Office that the criminal records of a person have been expunged by the Court or of a successful appeal of a conviction of an Abuse Offense by a person required to register pursuant to this Ordinance, the registration information for that person shall be removed from the Abuser Registry within ten (10) business days following notification.

§ 9-33. ABUSER REGISTRATION REQUIREMENTS.

A. A person who establishes residency in Queen Anne's County and who was convicted of an Abuse Offense in another Maryland jurisdiction, on or after the effective date of this Ordinance, must, within ten (10) business days of establishing residency in the County, register on the Queen Anne's County Animal Abuse Registry.

§ 9-34. PROHIBITION ON CONTACT WITH ANIMALS.

- A. An Abuser shall not be allowed to own and/or possess and/or live in the same home with or on the same property as an animal while on the Registry unless otherwise provided in a Court order.
- B. An Abuser shall not be allowed to work with a companion animal, with or without compensation or otherwise, while on the Registry unless otherwise provided in a Court order.
- C. A registrant who has been determined by a Court to be unfit to have custody of animals pursuant to Maryland Statutes shall also be bound by the determinations of the Court if that determination was made pursuant to the same underlying facts resulting in the criminal conviction that requires them to register with the Queen Anne's County Abuser Registry.
- D. The County and the State's Attorney's Office reserve the right and may exercise their right at any time they deem necessary to enforce or, notwithstanding any other Court order, obtain a Court order enjoining an

Abuser from owning and/or possessing and/or living with an animal and/or working with a companion animal while on the Registry.

- E. This section shall not apply to Farm Animals or Service Animals unless there is an enjoinder order and/or an Abuse Offense pertaining directly to Farm Animals or Service Animals.

§ 9-35. ANIMAL SHELTERS, PET SELLERS, PRIVATE CITIZENS, OR OTHER ENTITIES PROHIBITED FROM TRANSFERRING ANIMAL OWNERSHIP TO ABUSERS.

- A. No Animal Shelter, Pet Seller, person, or entity located in the County shall sell, exchange or otherwise transfer the ownership of an animal to any person listed as an Abuser on the Abuser Registry.
- B. Prior to sale, exchange, or other transfer of ownership of any animal, the Animal Shelter, Pet Seller, or other commercial entity shall take whatever steps necessary to ensure that an animal is not being transferred to a person listed on the Registry.
- C. Such steps may include, but shall not be limited to, posting, when possible, current signage displaying registrants in well-trafficked, highly visible areas for public viewing and in stock/break areas of employees; notifying law enforcement upon the recognition of a registrant who has obtained an animal while on the Registry; and requiring the person to sign an affidavit attesting that they are not listed on the Registry.
- D. The Animal Shelter, Pet Seller, or other commercial entity shall be required to maintain the required affidavits and other adequate records and supporting documentation for three (3) years or in accordance with the required retention time set forth by business standards and practices governing the particular commercial establishment and record, whichever is greater, to assure compliance with this Ordinance. County Animal Control or the Queen Anne's County Sheriff's Department and its authorized agents shall have the right to examine all such records and documents relating to compliance with this Ordinance, and the Animal Shelter, Pet Seller, or other commercial entity may be required to cooperate and permit such persons or the State's Attorney's Office to examine all such records and documents relating to compliance with this Ordinance.

E. It shall not be a violation if the Animal Shelter, Pet Seller, private citizen or commercial entity checked with the Abuser Registry and the name of the Abuser did not appear thereon as required.

F. This section shall not apply to Farm Animals or to Service Animals.

§ 9-36. SEVERABILITY.

If any clause, sentence, paragraph, subdivision or other part of this Ordinance shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this Ordinance which shall remain in full force and effect except as limited by such order or judgment.

§ 9-37. APPLICABILITY.

All provisions of this Ordinance shall be applicable throughout the incorporated and unincorporated areas of Queen Anne's County where there is no existing conflict of law, municipal ordinances concerning this matter, or unless any municipality determines to opt-out of this Ordinance's provisions.

SECTION II

This Ordinance shall take effect on the forty-sixth (46th) day following its adoption.

INTRODUCED BY: Commissioner Jack Wilson

DATE: October 8, 2024

PUBLIC HEARING HELD: November 12, 2024

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: November 26, 2024