


**MEMORANDUM**

June 23, 2017

TO: County Council

FROM: Jeffrey L. Zyontz, Senior Legislative Analyst 

SUBJECT: **Introduction:** Bill 23-17, Animal Control – Performance Animal -Violations

Bill 23-17, Animal Control – Performance Animal -Violations, sponsored by Lead Sponsors Councilmembers Rice and Leventhal, is scheduled to be introduced on June 27. A public hearing is tentatively scheduled for July 18 at 1:30 p.m. The sponsors of Bill 23-17 want to protect wild animals. The Bill does this by removing the financial incentives to exhibit such animals.

Bill 23-17 would:

- (1) Define the term “exhibit”;
- (2) Define the term performance animal;
- (3) Prohibit the exhibition of performance animals;
- (4) Authorize the Animal Control Division to enforce prohibited act; and
- (5) Generally amend the provisions concerning animal cruelty.

This packet contains:

Bill 23-17

Legislative Request Report

Circle #

1

4

Bill No. 23-17  
Concerning: Animal Control –  
Performance Animal - Violations  
Revised: May 25, 2017 Draft No. 2  
Introduced: June 27, 2017  
Expires: December 27, 2018  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

---

Lead Sponsors: Councilmembers Rice and Leventhal

---

**AN ACT** to:

- (1) Define the term “exhibit”;
- (2) Define the term performance animal;
- (3) Prohibit the exhibition of performance animals;
- (4) Authorize the Animal Control Division to enforce prohibited act; and
- (5) Generally amend the provisions concerning animal cruelty.

By amending

Montgomery County Code  
Chapter 5, Animal Control  
Sections 5-101, 5-102, and 5-201

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<b>[Single boldface brackets]</b>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<b>[[Double boldface brackets]]</b>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

**Sec. 1. Sections 5-101, 5-102, and 5-201 are amended as follows:**

**5-101. Definitions.**

In this Chapter, the following words and phrases have the following meanings:

\* \* \*

Exhibit: The display of any animal or a performance by any animal for the financial benefit of any person or business.

\* \* \*

Performance animal: The following animals are performance animals. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

- (1) non-human primates and prosimians (such as chimpanzees, baboons, monkeys, etc.) – all species;
- (2) felidae (such as lions, tigers, cougars, leopards, ocelots, servals, etc.) – all species except domestic cats;
- (3) canidae (such as wolves, coyotes, etc.) – all species except domestic dogs;
- (4) ursidae (such as bears) – all species;
- (5) marsupialia (such as kangaroos, etc.) – all species;
- (6) proboscidae (such as elephants) – all species;
- (7) crocodilia (such as crocodiles, alligators, etc.) – all species;
- (8) squamata (all species of snakes only);
- (9) artiodactyla (such as hippopotamuses, giraffes, camels, etc.) – all species except domestic cattle, swine, sheep, or goats;
- (10) perissodactyla (such as zebras, rhinos, and tapirs) – all species except domestic horses, donkeys, or mules;
- (11) struthioniformes (such as ostriches) – all species; and

28 (12) casuariiformes (such as emus) – all species.

29 \* \* \*

30 **5-102. Administration.**

31 \* \* \*

32 (e) Enforcement of [state] animal control laws. To the extent allowed by  
33 State law, the Division may enforce any State animal control law and  
34 any law under this Chapter. A reference in a State animal control law to  
35 the "appropriate authority" (or any similar term) in the County means  
36 the Division and any other County agency designated by regulation  
37 adopted under method (3).

38 \* \* \*

39 **5-201. Cruelty.**

40 (a) Violation under State Laws. A person must not violate State laws  
41 against cruelty to animals, such as by:

42 \* \* \*

43 (b) Additional violation: A person or business must not exhibit or  
44 financially benefit from the exhibition of any performance animal.

45 ~~[(b)]~~ (c) Regulations. The County Executive may issue regulations[[,  
46 consistent with State law, to interpret and implement State anti-cruelty  
47 laws in the County]] to interpret and enforce this subsection.

48  
49 *Approved:*

50

51

52 \_\_\_\_\_  
Roger Berliner, President, County Council

\_\_\_\_\_ Date

## LEGISLATIVE REQUEST REPORT

Bill 23-17

*Animal Control – Performance Animal - Violations*

**DESCRIPTION:** This Bill defines performance animals and prohibits a person or business from exhibiting or financially benefit from the exhibition of any performance animal. It also allows enforcement of the prohibition.

**PROBLEM:** Profiting by exhibition of wide animals creates an incentive for the capture those animals and creates an excessive opportunity for animal cruelty.

**GOALS AND OBJECTIVES:** The goal is to remove the financial incentive for displaying wide animals.

**COORDINATION:** Police Department – Animal Control Division

**FISCAL IMPACT:** To be requested.

**ECONOMIC IMPACT:** To be requested.

**EVALUATION:** To be requested.

**EXPERIENCE ELSEWHERE:** To be researched.

**SOURCE OF INFORMATION:** Jeff Zyontz, Senior Legislative Analyst, 240 777 7896

**APPLICATION WITHIN MUNICIPALITIES:** To be researched.

**PENALTIES:** Violations with be subject Class A violation

4