


MEMORANDUM

July 14, 2017

TO: County Council

FROM: Jeffrey L. Zyontz, Senior Legislative Analyst 

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

Bill 23-17, Animal Control – Performance Animal -Violations, sponsored by Lead Sponsors Councilmembers Rice and Leventhal, Co-Sponsors Councilmembers Katz, Navarro, Riemer, Elrich, Huckler, and Council President Berliner, was introduced on June 27. A Public Safety Committee worksession is tentatively scheduled for September 11 at 9:30 a.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

5

Bill No. 23-17
Concerning: Animal Control –
Performance Animal - Violations
Revised: June 27, 2017 Draft No. 4
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
Co-Sponsors: Councilmembers Katz, Navarro, Riemer, Elrich, Hucker and Council President
Berliner

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

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

* * *

Display: Any exhibit, fair, act, circus, ride, or similar undertaking in which a performance animal is required to perform tricks, give rides, or participate as accompaniments for the entertainment, amusement, or benefit of another.

* * *

Exhibit: The display of a performance 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);

27 (9) artiodactyla (such as hippopotamuses, giraffes, camels, etc.) – all
28 species except domestic cattle, swine, sheep, or goats;

29 (10) perissodactyla (such as zebras, rhinos, and tapirs) – all species except
30 domestic horses, donkeys, or mules;

31 (11) struthioniformes (such as ostriches) – all species;

32 (12) casuariiformes (such as emus) – all species;

33 (13) Elasmobranchii (including nurse sharks and lemon sharks); and

34 (14) Pinnipedia (including seals, sea lions, and walruses).

35

* * *

36

37 **5-102. Administration.**

38

* * *

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

45

* * *

46 **5-201. Cruelty.**

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

49

* * *

50 (b) Additional violation: A person or business must not exhibit or
51 financially benefit from the exhibition of any performance animal in a
52 traveling animal act.

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