

Code of Maryland (1957 Edition and 1962 Supplement), title "Crimes and Punishments," subtitle "Cruelty to Animals," said Section 70B to follow immediately after Section 70A thereof, relating to animals, increasing the penalty for cruelty to animals, giving discretionary authority to judges and magistrates to remove animals from custody of persons convicted of cruelty to animals, adding Frederick County to the list of counties prohibiting dogs in heat from running at large, and requiring custodians of dogs in Frederick County to provide shelters for dogs that are kept out of doors.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Sections 59, 67 and 70 of Article 27 of the Annotated Code of Maryland (1957 Edition and 1962 Supplement), title "Crimes and Punishments," subtitle "Cruelty to Animals," be and they are hereby repealed and re-enacted, with amendments, and that new Section 70B be and it is hereby added to said Code and subtitle, to follow immediately after Section 70A thereof, all to read as follows:

59.

Any person who wilfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to produce such cruelty, or by any act, conduct, neglect or omission wilfully causes, permits or suffers any animal to undergo any species of torture or cruelty, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$100.00, or by imprisonment not to exceed [(30)] (90) days, or both.

67.

Whenever the owner or custodian of an animal is convicted of any act of cruelty thereto, [and subsequently it becomes necessary] *the judge or magistrate as the case may be may use his own discretion in ordering the removal of said animal or animals for their protection at the time of conviction. If said animals are not removed from the custody of the owner or custodian at the time of conviction. If said animals are not removed from the custody of the owner or custodian at the time of conviction, and subsequently it becomes necessary,* in order to protect said animal from further neglect and/or cruelty, any officer of an animal humane society or any police officer may take possession of it. When an animal is impounded, yarded or confined and continues without necessary food, water or proper attention and the owner or custodian thereof cannot be found, any officer of an animal humane society or any police officer may enter into and upon any place in which the animal is impounded, yarded or confined and supply it with necessary food, water and attention so long as it there remains, or, if necessary, for the health of the animal, may remove such animal, and not be liable to any action for such entry. In all cases the owner custodian of such animal, if subsequently located shall be notified of such action by the person taking possession of the animal. If the owner or custodian continues to be unknown and cannot with reasonable effort be ascertained for a period of thirty days, such animal shall be held to be an estray and be dealt with as such, provided, however, that nothing in this section shall be construed as permitting the entry into a private dwelling.

70.

In Cecil, Dorchester, *Frederick*, Howard and Wicomico counties, it