

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 510

(Delegate Boutin, *et al.*)

Judiciary

Criminal Law - Animal Cruelty - Dogfighting and Cockfighting

This bill provides that a person who knowingly attends, as a spectator, a deliberately conducted event that uses a bird to fight with another animal is guilty of a misdemeanor. A person who possesses specified implements relating to dogfighting or bird fighting, arranges a bird fight, or allows premises under his or her control to be used for dogfighting or bird fighting is guilty of a felony. A person who possesses, owns, sells, transports, or trains a dog or bird for the purpose of fighting is guilty of a felony.

Fiscal Summary

State Effect: General fund revenues could increase minimally due to the bill's penalty provisions. General fund expenditures associated with imprisonment could increase minimally.

Local Effect: Revenues could increase minimally due to the bill's monetary penalty provisions for cases heard in the circuit courts. Expenditures could increase minimally due to the bill's imprisonment provisions.

Small Business Effect: Potential minimal increase in small business revenues due to the purchase of psychological services for defendants ordered into psychological counseling.

Analysis

Bill Summary: The bill provides that a person may not knowingly attend, as a spectator, a deliberately conducted event with fowl, cock, or other bird fighting. A person who violates the provision is guilty of a misdemeanor and is subject to imprisonment for up to

90 days or a maximum fine of \$1,000, or both. The court may order a violator to participate in and pay for psychological counseling.

The bill provides that a person may not possess an implement of dogfighting. Implements include any tool intended or designed for use in dogfighting, to enhance the fighting ability of a dog, or any machine to which a live animal is attached for pursuit by a dog. A person may not possess, own, sell, transport, or train a dog for the purpose of dogfighting or knowingly allow premises under his or her control to be used for dogfighting. A person who violates these provisions is guilty of a felony and is subject to up to three years imprisonment or a maximum fine of \$5,000 or both.

The bill also provides that a person may not possess an implement of cockfighting or any tool designed to enhance a bird's fighting ability for use in a deliberate bird fighting event. These implements include gaffs, slashers, postizas, sparring muffs, or any other sharp tool intended to replace the natural spur of a gamecock or other fighting bird. A person may not arrange or conduct an event where a bird fights with another animal. A person may not possess, own, sell, transport, or train a bird for fighting purposes or knowingly allow premises under the person's control to be used for a bird to fight with another animal. A person who violates these provisions is guilty of a felony and may receive up to three years imprisonment, a maximum fine of \$5,000, or both. The court may order the violator to undergo and pay for psychological counseling.

Current Law: A person is prohibited from knowingly attending a deliberately conducted dogfight as a spectator. A violator is guilty of a misdemeanor and may receive up to 90 days imprisonment or a maximum fine of \$1,000 or both.

A person may not use or allow a dog to be used in a dogfight or arrange or conduct a dogfight. A person who violates the provisions is guilty of a felony and may receive imprisonment for up to three years or a maximum fine of \$5,000 or both.

A person may not use or allow the use of a fowl, cock, or other bird to fight with another animal. A violator is guilty of a felony and subject to a maximum fine of \$5,000 and/or a maximum term of imprisonment of three years.

A court may order a defendant convicted of one of these animal cruelty offenses to undergo and pay for psychological counseling.

Background: According to an October 2001 survey by the Humane Society of the United States (HSUS), dogfighting is illegal in all 50 states and the District of Columbia. In 46 states and the District of Columbia it is a felony offense. In 38 states and the District of Columbia, possession of dogs for the purpose of fighting is a felony. In seven

states, including Maryland, possession of dogs for fighting is legal. In 19 states and the District of Columbia, being a spectator at a dogfight is a felony. In 28 states, including Maryland, being a spectator at a dogfight is a misdemeanor.

Cockfighting is illegal in 47 states and the District of Columbia, according to HSUS. In 26 states, including Maryland and the District of Columbia, cockfighting is a felony offense. In 21 other states, cockfighting is a misdemeanor. In 27 states and the District of Columbia, the possession of cocks for fighting is illegal. In 36 states and the District of Columbia, being a spectator at a cockfight is illegal. In 28 states, being a spectator is a misdemeanor, while in 8 states, being a spectator is a felony.

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provisions from cases heard in the District Court.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalties due to more people being committed to Division of Correction (DOC) facilities and increased payments to counties for reimbursement of inmate costs. The number of people convicted of these proposed crimes is expected to be minimal.

Generally, persons serving a sentence longer than one year are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,850 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$300 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2003 are estimated to range from \$10 to \$61 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

Local Revenues: Revenues could increase minimally as a result of the bill's monetary penalty provisions from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalties. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days.

Per diem operating costs of local detention facilities are expected to range from \$20 to \$84 per inmate in fiscal 2003.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services, Humane Society of the United States, Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2002
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