

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 542
Judiciary

(Delegate McConkey, *et al.*)

Judicial Proceedings

Criminal Law - Aggravated Animal Cruelty - Baiting

This bill prohibits a person from (1) using or allowing a dog to be used for baiting; (2) possessing, owning, selling, transporting, or training a dog with the intent to use the dog for baiting; or (3) knowingly allowing premises under the person's ownership, charge, or control to be used for baiting. Violators are guilty of the felony of aggravated cruelty to animals and are subject to imprisonment for up to three years and/or a \$5,000 maximum fine. A court may also order a violator to undergo and pay for psychological counseling.

“Baiting” means using a dog to train a fighting dog or to test the fighting or killing instinct of another dog.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill's expanded application of a current incarceration penalty. Revenues are not affected.

Local Effect: Potential minimal increase in local revenues from fines imposed in circuit court cases. Potential minimal increase in local expenditures for the incarceration of defendants convicted as a result of the bill; potential minimal increase in expenditures for caring, treating, and housing animals removed from owners as a result of convictions under the bill.

Small Business Effect: Minimal impact on small businesses that treat, care, and house animals removed from owners as a result of convictions under the bill.

Analysis

Current Law: A person may not (1) use or allow a dog to be used in a dogfight; (2) arrange or conduct a dogfight; (3) possess, own, sell, transport, or train a dog with the intent to use the dog in a dogfight; or (4) knowingly allow premises under his or her control to be used for dogfighting. A person who violates these provisions is guilty of the felony of aggravated cruelty to animals and is subject to maximum penalties of three years imprisonment and/or a fine of \$5,000. As a condition of sentencing, the court may order a violator to participate in and pay for psychological counseling.

If an owner or custodian of an animal is convicted of an act of animal cruelty, a court may order the removal of the animal or any other animal at the time of conviction for the protection of the animal. An officer or authorized agent of a humane society, or a police officer or other public official required to protect animals, may seize an animal if necessary to protect the animal from cruelty.

Background: In February 2012, a pit bull named Rocky Road was severely injured after being used as a bait dog in a dogfighting operation in Anne Arundel County. The dog underwent surgery and was later adopted by a foster family. In March 2012, a second pit bull named Princess was found badly injured in Anne Arundel County. Animal control officials believe that Princess was also used as a bait dog.

According to the Maryland State Commission on Criminal Sentencing Policy, there were four convictions for aggravated cruelty to animals in the State's circuit courts during fiscal 2012.

Additional Information

Prior Introductions: SB 1096 of 2012, a similar bill, received a hearing in the Senate Judicial Proceedings Committee. No further action was taken. Its cross file, HB 1469, received a hearing in the House Judiciary Committee, but no further action was taken.

Cross File: SB 360 (Senator Simonaire, *et al.*) - Judicial Proceedings.

Information Source(s): Baltimore, Charles, Frederick, and Montgomery counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; State's Attorneys' Association; *Baltimore Sun*; WBALtv.com; CBS Baltimore (WJZ); Department of Legislative Services

Fiscal Note History: First Reader - March 7, 2013
ncs/kdm

Analysis by: Amy A. Devadas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510