

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE
Revised

House Bill 667
Judiciary

(Delegate Kramer, *et al.*)

Judicial Proceedings

Crimes Relating to Animals - Unauthorized Surgical Devocalization of Cat or Dog
- Penalties

This bill prohibits a person, other than a licensed veterinarian, from “devocalizing” a dog or cat. A licensed veterinarian may surgically devocalize a dog or cat only if the veterinarian (1) administers anesthesia to the animal during the procedure and (2) provides the owner or keeper of the animal a written certification containing specified information.

“Devocalize” means to perform a surgical procedure involving cutting, notching, punching, abrading, lasering, suturing, or otherwise physically altering the vocal apparatus of a dog or cat with the intent of altering, reducing, or eliminating vocal sounds produced by the animal. “Devocalize” includes debarking, devoicing, silencing, ventriculocordecotomy, vocal cordecotomy, bark reduction, and bark softening.

Violators are guilty of a misdemeanor, punishable by imprisonment for up to 90 days and/or a \$1,000 maximum fine for a first offense and imprisonment for up to one year and/or a maximum fine of \$2,000 for a second or subsequent offense.

Fiscal Summary

State Effect: Minimal increase in general fund revenues from fines imposed in the District Court. Minimal increase in general fund expenditures due to the bill’s incarceration penalties.

Local Effect: Minimal increase in local revenues from fines imposed in circuit court cases. Minimal increase in local expenditures due to the bill’s incarceration penalties.

Small Business Effect: Potential meaningful impact on small business veterinary practices that perform these procedures for reasons other than the ones listed in the bill.

Analysis

Bill Summary: A licensed veterinarian who performs these procedures must provide the owner or keeper with a written certification that states that the procedure on the animal was medically necessary to treat or relieve a physical illness, a disease, or an injury, or to correct a congenital abnormality that is causing or will cause the animal medical harm or pain and contains (1) the date and description of the veterinarian's examination and evaluation; (2) supporting diagnoses and findings; (3) the name and current address and telephone number of the animal's owner or keeper; and (4) the veterinarian's name, current address, telephone number, State license number, and signature.

Current Law: A person is prohibited from abusing or neglecting an animal, which consists of overdriving or overloading an animal; depriving an animal of necessary sustenance; inflicting unnecessary suffering or pain on an animal; or causing, procuring, or authorizing such an act. If a person has custody or charge of an animal, as an owner or otherwise, the person is prohibited from unnecessarily failing to provide sufficient nutrition, necessary veterinary care, proper drink, air, space, shelter, or protection from the elements. These provisions do not apply to lawful hunting or lawful trapping.

A person who violates these provisions is guilty of a misdemeanor and is subject to maximum penalties of 90 days imprisonment and/or a \$1,000 fine. As a condition of sentencing, the court may order a defendant to participate in and pay for psychological counseling. As a condition of probation, a court may prohibit a defendant from owning, possessing, or residing with an animal.

A person may not intentionally mutilate, torture, cruelly beat, or cruelly kill an animal, or cause or procure such an act. Except in the case of self-defense, a person may not intentionally inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit. 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 \$5,000 fine. As a condition of probation, a court may prohibit a defendant from owning, possessing, or residing with an animal.

The court may order a person convicted of any of these crimes to undergo and pay for psychological counseling.

Background: Devocalization, sometimes referred to as ventriculocordectomy, involves the removal of an animal's vocal chords. There are partial and complete versions of the

procedure. According to the American Veterinary Medical Association (AVMA), devocalization is performed under general anesthesia. While there are therapeutic reasons for the procedures, such as laryngeal paralysis and to remove vocal fold masses, the procedure is also performed for behavioral reasons.

The AVMA's policy is that "...canine devocalization should only be performed by a qualified, licensed veterinarian as a final alternative to euthanasia after behavioral modification to correct excessive vocalization has failed and after discussion of potential complications from the procedure with the owner."

In 2000, Ohio enacted legislation to prohibit debarking or surgically silencing a dangerous dog or possessing a dangerous dog if the person knows or reasonably believes that the dog has been debarked or silenced. In 2002, New Jersey criminalized the surgical debarking or silencing of a dog, except by veterinarians, unless the procedure is to protect the life or health of the dog or otherwise deemed necessary by the veterinarian. In 2010, Massachusetts also enacted legislation to criminalize devocalization of an animal for nonmedical reasons.

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

State Expenditures: General fund expenditures increase minimally as a result of the bill's incarceration penalties due to more people being committed to State correctional facilities for convictions in Baltimore City.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

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

Local Expenditures: Expenditures 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 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$60 to \$160 per inmate in recent years.

Montgomery and Worcester counties advise that the bill does not have an impact on their jurisdictions.

Additional Information

Prior Introductions: None.

Cross File: SB 660 (Senator Gladden) - Judicial Proceedings.

Information Source(s): Montgomery and Worcester counties, Department of Agriculture, Maryland State Commission on Criminal Sentencing Policy, Office of the Public Defender, American Veterinary Medical Association, *Los Angeles Times*, Humane Society Veterinary Medical Association, Department of Legislative Services

Fiscal Note History: First Reader - February 18, 2014
mam/kdm Revised - House Third Reader - March 18, 2014

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