

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 286

(Senator Hester)

Judicial Proceedings

Crimes Against Animals - Interference With Livestock

This bill expands the application and scope of existing prohibitions on interfering or committing specified acts against a horse used for racing, breeding, or specified competitive exhibitions. The bill (1) expands application of the prohibitions to “livestock” and (2) applies the prohibitions to livestock used for any lawful activity. “Livestock” is defined as cattle, swine, sheep, horses, asses, mules, or goats.

Fiscal Summary

State Effect: Minimal increase in general fund expenditures due to the bill’s expanded application of existing penalty provisions. Revenues are not affected.

Local Effect: Minimal increase in local expenditures due to the bill’s expanded application of existing penalty provisions. Revenues are not affected.

Small Business Effect: Minimal.

Analysis

Current Law: A person may not commit the following acts against a horse used for racing, breeding, or a competitive exhibition of skill, breed, or stamina: (1) willfully and maliciously interfere with, injure, destroy, or tamper with the horse; (2) willfully start, instigate, engage in, or further an act that interferes with, injures, destroys, or tampers with the horse; or (3) commit an act that tends to interfere with, injure, destroy, or tampers with the horse.

Violators are guilty of a felony, punishable by imprisonment of at least one year and up to three years.

Background: The Maryland State Commission on Criminal Sentencing Policy advises that, according to the Maryland Sentencing Guidelines Database, no one was sentenced under the existing prohibitions in the State's circuit courts during fiscal 2019. The Department of Public Safety and Correctional Services advises that it did not receive any inmates sentenced under the existing prohibitions during fiscal 2019.

State Expenditures: General fund expenditures increase minimally as a result of the bill's expanded application of existing incarceration penalties due to more people being committed to State correctional facilities and increased payments to counties for reimbursement of inmate costs. The number of people convicted under the bill is expected to be minimal.

Persons serving a sentence longer than 18 months are incarcerated in State correctional facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$3,700 per month. Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or a State correctional facility. The State provides assistance to the counties for locally sentenced inmates and for (1) inmates who are sentenced to and awaiting transfer to the State correctional system; (2) sentenced inmates confined in a local detention center between 12 and 18 months; and (3) inmates who have been sentenced to the custody of the State but are confined in or who receive reentry or other prerelease programming and services from a local facility.

The State does not pay for pretrial detention time in a local correctional facility. Persons sentenced in Baltimore City are generally incarcerated in State correctional facilities. The Baltimore Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions.

Local Expenditures: Expenditures increase minimally as a result of the bill's expanded application of existing incarceration penalties. Per diem operating costs of local detention facilities have ranged from approximately \$40 to \$170 per inmate in recent years.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 171 (Delegate Guyton, *et al.*) - Judiciary.

Information Source(s): Anne Arundel, Charles, Frederick, and Somerset counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Maryland State's Attorneys' Association; Maryland Department of Agriculture; Department of Legislative Services

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