

SB 872 - Position Statement GBL.pdf

Uploaded by: GREGORY LAWRENCE

Position: FAV



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 872

DATE: March 5, 2024

SPONSOR: Senator Kramer

ASSIGNED TO: Judicial Proceedings Committee

CONTACT PERSON: Sara Morningstar (sara.morningstar@montgomerycountymd.gov)

POSITION: SUPPORT (Montgomery County Office of Animal Services)

Criminal Law - Animal Abuse or Neglect - Penalties

Senate Bill 872 would amend §10-604 when a violation of the section leads to the death or euthanasia of animals subjected to violations of this section. My name is Dr. Gregory Lawrence and I have served as the Chief Veterinarian for The Montgomery County Office of Animal Services since 2014. In my 20 years of experience as a veterinarian, I have seen all degrees of animal cruelty.

While many of these cases do not reach the legal requirements of aggravated cruelty, the pain and suffering inflicted on the animal victims can be just as severe. Starvation cases are a perfect example of this. These animals experience extreme suffering over an extended period and face a slow, painful death without intervention. Because there is no definitive testing for starvation, I must first rule out any medical cause for the emaciation. Once I have documented that there is no medical cause that can be identified, I provide proper nutrition and document that the animal not only willingly eats when food is offered but gains weight as well. These animals must be re-alimented in a very structured manner to avoid a life-threatening cardiac failure complication that can occur in the most extreme cases.

Another common situation I have encountered is the failure to provide veterinary care, proper space, or proper air. The lack of the most basic veterinary care can lead to a minor problem like a flea infestation or bacterial infection to fester and lead to easily avoided life threatening complications. Unsanitary conditions and failure to provide proper space/air can lead to ammonia levels high enough to be irritating to the respiratory mucosa and mucous membranes. This would cause pain and suffering in any animal trapped in the environment and could be fatal to an animal with a cardiac or respiratory condition. Unfortunately, these cases are entirely too common in the State.

I support Senate Bill 872 and would urge that the Committee adopt a favorable report.

SB 085 - MoCo_Breckenridge_FAV.pdf

Uploaded by: Jack Breckenridge

Position: FAV



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CONTACT PERSON: Sara Morningstar (sara.morningstar@montgomerycountymd.gov)

POSITION: SUPPORT (Montgomery County Office of Animal Services)

Criminal Law – Animal Abuse or Neglect – Penalties

Senate Bill 872 increases the penalties for abusing or neglecting an animal under § 10-604 of the Criminal Law Article if the violation results in the death of an animal or the need to euthanize the animal based on the recommendation of a licensed veterinarian. The bill also allows a court to prohibit a defendant from owning, possessing, or residing with an animal as a condition of sentencing. Currently, § 10-604 violations are misdemeanor offenses and sentencing is limited to imprisonment up to 90 days and a fine of \$1,000.

This is important legislation. It strengthens animal control and a state's attorney's position when charging crimes under § 10-604, where the conditions and treatment of the animals are so detrimental to an animal's well-being that it directly causes the death or euthanasia of one or more of the animals. There are many cases around the State where this has occurred either because the animals are found to lack nutritious food, proper drink, proper air, proper space, proper protection from the weather, or where there is an unnecessary failure to prevent suffering or pain to the extent that the animal dies or must be euthanized.

The Montgomery County State's Attorney's Office has expressed some frustration over having to charge severe animal neglect using § 10-604 because they could not reach the level of "intent" needed to be charged under the aggravated cruelty sections particularly when that care directly contributes to the death of owned animals. Senate Bill 085 will provide a greater level of penalty – three years in prison and a fine of \$5,000 – including a more flexible ban on ownership in the prosecution of severe animal neglect and care found under § 10-604.

The Montgomery County Office of Animal Services supports Senate Bill 872 and would urge the Committee to adopt a favorable report.

SB 872 Animal Abuse Penalties -- FAVORABLE.pdf

Uploaded by: KIMBERLY EGAN

Position: FAV



MARYLAND
HORSE
COUNCIL

P.O. Box 606 | Lisbon, Maryland 21797
www.mdhorsecouncil.org

One Common Bond: The Horse
One Common Voice: The Horse Council

Testimony of the Maryland Horse Council on SB 872

Criminal Law – Animal Abuse or Neglect – Penalties

FAVORABLE

The Maryland Horse Council (MHC) is a membership-based trade association that represents the state-wide horse industry in Maryland. Our members include horse farms; horse related businesses; equestrian competitors; trainers; individual enthusiasts; equine-assisted therapy programs; and breed, interest, and discipline associations. We represent over 30,000 Marylanders who make their living with horses, or who just own and love them.

Animal cruelty is the highest legislative priority for our members. Horse ownership comes with a moral and ethical obligation to provide one's horse with the best quality of life possible. It also comes with the obligation to move one's horse to a better home if one is no longer able to provide sufficient care. MHC feels sufficiently strongly about this issue that we developed the Guide to Minimum Standards of Care for Equines, which is used in cruelty and neglect cases in Maryland and around the United States.

Horse owners who abuse and neglect their horses so severely that the horse dies as a result have breached their obligations to the animal to an unforgiveable degree. We support any efforts to punish such defendants severely.

We urge a favorable report on SB 872.

Respectfully submitted,

THE MARYLAND HORSE COUNCIL
(844) MDHORSE (844-634-6773)
Info@mdhorsecouncil.org

SB0872_FAV_mgoldstein 2024.pdf

Uploaded by: Mathew Goldstein

Position: FAV



Secular Maryland

<https://secularmaryland.dorik.io> secularmaryland@tutanota.com

March 05, 2024

SB 8/2 - FAV

Criminal Law - Animal Abuse or Neglect - Penalties

Dear Chair William C. Smith Jr, Vice-Chair Jeff Waldstreicher, and Members of the Judicial Proceedings Committee,

Animals are not a separate category of life fundamentally different from us who were placed on earth by a deity for the benefit of humans. We are all animals. We can, and therefore we should, do better to protect animals from mistreatment. This bill creates a second penalty of up to 5 years imprisonment and a fine of up to \$5000 for animal abuse that results in the death of the victim. The penalty for animal abuse that does result in the death of the victim remains imprisonment of up to 90 days and up to one year imprisonment. Secular Maryland supports legislation to protect animals from mistreatment.

Respectfully,
Mathew Goldstein
3838 Early Glow Ln
Bowie, MD 20716p

SB 872 - MoCo_Animal Services_FAV (GA 24).pdf

Uploaded by: Sara Morningstar

Position: FAV



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SB 872

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CONTACT PERSON: Sara Morningstar (Sara.Morningstar@montgomerycountymd.gov)

POSITION: SUPPORT (Montgomery County Office of Animal Services)

Criminal Law – Animal Abuse or Neglect – Penalties

Senate Bill 872 would increase penalties for abusing or neglecting an animal resulting in the death of the animal or the need to euthanize the animal based on the recommendation of a licensed veterinarian. Penalties for this violation would include imprisonment for up to three years or a fine of up to \$5,000, or both. In the case of an animal abuse or neglect violation that does not result in the animal's death or the need to euthanize the animal, the recommendation of two licensed veterinarians would be needed to assess the violation, and penalties would include imprisonment for up to 90 days or a fine of up to \$1,000, or both. The bill also allows a court to prohibit a defendant from owning, possessing, or residing with an animal for a period of time determined by the court as a condition of sentencing. Montgomery County Department of Animal Services supports SB 872.

There are many cases around the State where animals have been found to lack nutritious food, proper hydration, adequate ventilation, sufficient space, and proper protection from the weather, or where there is an unnecessary failure to prevent pain and suffering to the extent that the animal dies or must be euthanized. Currently, because of the high threshold for proving "intent" under the aggravated cruelty section of the Criminal Law Article, the only practical legal option available when charging individuals with severe animal neglect is under § 10-604, where the penalties upon conviction are insufficient. The Montgomery County State's Attorney's Office has expressed frustration with these cases, given the severity of some animal neglect cases around the State.

Senate Bill 872 would provide more meaningful penalties for individuals convicted of animal abuse or neglect. The Montgomery County Office of Animal Services supports SB 872 and would urge the Committee to adopt a favorable report.

SB 872 - Position Statement - Thomas Ingle.pdf

Uploaded by: Thomas Ingle

Position: FAV



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POSITION: SUPPORT (Montgomery County Office of Animal Services)

Criminal Law - Animal Abuse or Neglect - Penalties

SB 872 would amend §10-604 when a violation of the section leads to the death or euthanasia of animals subjected to violations of this section. I want to share with you a couple of cases that highlight the need for stricter penalties including a ban on owning animals as part of sentencing beyond the probationary period. I have personally investigated these cases as part of my work as a Field Supervisor for the Office, plus a case from St. Mary's County. The following three cases consistently demonstrate seemingly unintentional actions that led to the death of the animal(s) or the animal(s) had to be euthanized.

In response to a veterinarian's report of suspected animal cruelty, an investigation was conducted into an event where a dog had died while in the custody of a Dog Trainer hired by the owners. The dog was placed with the trainer in his home for a period of two weeks where the dog would be trained to overcome some specific behavioral issues. A trial revealed that the Dog Trainer had worked with the dog in the summer heat and ignored the obvious symptoms of heat stroke leading to the dogs prolonged suffering and subsequent death.

At the onset of the pandemic, my office began receiving several reports related to an individual selling very sick, underage kittens (under 8 weeks). The investigation revealed that the suspect was searching for feral cats that had recently had litters in his neighborhood and separate the kittens from their birthing mother and advertise and sell them through Craigslist at a premium price. The suspect had no knowledge of underage kitten care requirements and failed to provide them with proper nutrition or sustainable care including no veterinary care. Two of the five kittens related to this investigation died due to the lack of proper care.

An investigation was conducted into a report of a gravely underweight dog in St. Mary's County that was subsequently seized by the responding Animal Control Officer. The Officer that seized the dog observed that the dog was so underweight that their ribs, lumbar vertebrae, pelvic bones, and all bony prominences were evident from a distance, the dog was describe as having the appearance of a fur covered skeleton. The treating Veterinarian euthanized the dog for untreatable medical issues. At no point had the owner provided veterinary care that would have saved the dog from its deteriorating condition.

As one of the Field Supervisors with the Montgomery County Office of Animal Services, I support Senate Bill 872 and would urge that the Committee adopt a favorable report.