

Department of Legislative Services
 Maryland General Assembly
 2024 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 872 (Senator Kramer)
 Judicial Proceedings

Criminal Law - Animal Abuse or Neglect - Penalties

This bill 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, as specified. The bill also allows a court to prohibit a defendant convicted under § 10-604 from owning, possessing, or residing with an animal as a condition of sentencing.

Fiscal Summary

State Effect: General fund expenditures increase by *as much as* \$87,100 in FY 2025, including \$33,200 in one-time programming costs for the Judiciary and *maximum* costs of \$53,900 for the Maryland Department of Agriculture (MDA), as discussed below. Future year expenditures reflect annualization, inflation, and maximum ongoing costs for MDA. General fund expenditures may also increase, and general fund revenues may be affected, as a result of the bill’s increased penalty provision, as discussed below.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	87,100	61,700	64,500	67,300	70,300
Net Effect	(\$87,100)	(\$61,700)	(\$64,500)	(\$67,300)	(\$70,300)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local government revenues may increase, and local government expenditures may be affected, as a result of the bill’s increased penalty provision, as discussed below.

Small Business Effect: None.

Analysis

Bill Summary: If a violation of § 10-604 of the Criminal Law Article results in the death of an animal or the need to euthanize the animal based on the recommendation of a licensed veterinarian, the violator is guilty of a misdemeanor punishable by imprisonment for up to three years and/or a maximum fine of \$5,000. The decision to euthanize the animal must be validated before or after the procedure by a second licensed veterinarian or, if the animal is a livestock or agricultural animal, the State Veterinarian. If a violation of § 10-604 of the Criminal Law Article does *not* result in the death of an animal or the need to euthanize the animal based on the recommendation of two licensed veterinarians, the violator is guilty of a misdemeanor punishable by imprisonment for up to 90 days and/or a maximum fine of \$1,000 (the current penalty for violation of § 10-604).

The bill also establishes that as a condition of sentencing for a defendant convicted of animal abuse or neglect, a court may prohibit the defendant from owning, possessing, or residing with an animal for a period of time determined by the court. The bill also modifies an existing authorization for a court, as a condition of probation, to prohibit a defendant from owning, possessing, or residing with an animal, by specifying that the prohibition be for a period of time determined by the court.

Current Law: Under § 10-604 of the Criminal Law Article, a person who abuses or neglects an animal is guilty of a misdemeanor and subject to imprisonment for up to 90 days and/or a maximum fine of \$1,000. (The bill does not alter this penalty if a violation does not result in the death of an animal or the need to euthanize the animal based on the recommendation of a licensed veterinarian.) As a condition of sentencing, a court may order a violator to participate in and pay for psychological counseling, and pay for all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant. As a condition of probation, a court may prohibit a violator from owning, possessing, or residing with an animal.

State Revenues: General fund revenues may be affected due to offsetting impacts of (1) larger monetary penalties imposed in cases heard in the District Court and (2) the bill's increased penalty provision causing more cases to be heard in the circuit courts rather than the District Court, shifting penalty revenues to local governments. However, the overall effect of the bill on general fund revenues is expected to be minimal.

State Expenditures: According to the Judiciary, the following alleged violations and convictions occurred under § 10-604 during fiscal 2023:

- 1,920 alleged violations and 170 convictions in the District Court; and
- 506 alleged violations and 73 convictions in the circuit courts.

Judiciary

General fund expenditures increase by \$33,199 in fiscal 2025 for one-time programming costs for the Judiciary to implement the bill’s changes.

Maryland Department of Agriculture

As noted above, the bill requires MDA to validate decisions to euthanize livestock or agricultural animals in § 10-604 cases; information is not readily available on the number of § 10-604 violations that involve euthanized livestock or agricultural animals.

MDA advises that the bill’s requirement to validate the decision of euthanizing an abused animal will have a significant operational effect. The Animal Health Program and State Veterinarian are currently tasked with disease control and regulation of animals, which would take precedence over euthanasia validation requests. Potential litigation and court appearances required as a result of the bill could further impact already significant workloads. MDA advises that the State Veterinarian is compensated for after-hours work with compensatory time, and the amount of compensatory time earned under current workloads exceeds the ability of it to be used.

MDA further advises that an additional administrative staff position is required to address increased workloads under the bill, including the preparation and compilation of additional reports and documentation for validating the euthanasia. MDA did not provide information regarding how much time is required to prepare the necessary reports and documentation or whether it had information regarding the number of animal abuse and neglect cases that involve euthanized livestock or agricultural animals.

Thus, the Department of Legislative Services advises that general fund expenditures for MDA increase *by as much as* \$53,852 in fiscal 2025, which accounts for the bill’s October 1, 2024 effective date. This estimate reflects the *maximum* cost of implementing the bill, which is the cost of hiring one administrative employee to address additional workloads under the bill. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. *To the extent that actual MDA workloads are lower than projected, expenditures are less.*

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Salary and Fringe Benefits	\$46,596
Operating Expenses	<u>7,256</u>
Maximum MDA FY 2025 Expenditures	\$53,852

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

Department of Public Safety and Correctional Services

General fund expenditures may increase as a result of the bill's increased incarceration penalty due to more people being committed to State correctional facilities and payments to counties for reimbursement of inmate costs during longer incarcerations. The precise impact on expenditures depends upon the sentences imposed under the bill, as well as how many violations of § 10-604 involve the death or euthanasia of an animal.

Persons serving a sentence longer than 18 months are incarcerated in State correctional facilities. Currently, the average total cost per incarcerated individual, including overhead, is estimated at \$5,110 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 incarcerated individuals and for (1) incarcerated individuals who are sentenced to and awaiting transfer to the State correctional system; (2) sentenced incarcerated individuals confined in a local detention center between 12 and 18 months; and (3) incarcerated individuals 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.

Office of the Public Defender

The Office of the Public Defender (OPD) advises that the bill's provisions may result in costs for the agency due to an increased level of effort in existing cases. This analysis assumes that any impact of the bill on OPD workloads is minimal and can be absorbed with existing budgeted resources.

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

Local Expenditures: Expenditures may be affected due to offsetting impacts of (1) longer incarcerations in local detention facilities; (2) more individuals being sentenced to State correctional facilities instead of local detention facilities due to the bill's increased incarceration penalty; and (3) potential costs if local jurisdictions have to compensate veterinarians to validate euthanasia decisions.

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 \$90 to \$300 per incarcerated individual in recent years.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 405 and SB 85 of 2023 and HB 1420 and SB 672 of 2022.

Designated Cross File: None.

Information Source(s): Baltimore, Frederick, and Montgomery counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland Department of Agriculture; Department of Public Safety and Correctional Services; Department of Legislative Services

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