

Department of Legislative Services  
Maryland General Assembly  
2024 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 1148

(Senators Kramer and West)

Judicial Proceedings

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Criminal Law - Cruelty to Law Enforcement Animals - Recklessness

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This bill alters, from “intentionally” to “recklessly,” the mental state required for specified violations of § 10-606 of the Criminal Law Article (aggravated cruelty to animals – in general) involving cruelty to an animal owned or used by a law enforcement unit.

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Fiscal Summary

**State Effect:** The bill is not expected to materially affect State finances or operations.

**Local Effect:** The bill is not expected to materially affect local government operations or finances.

**Small Business Effect:** None.

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Analysis

**Current Law:** Among other things, § 10-606 of the Criminal Law Article prohibits a person from *intentionally* inflicting bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit, except in the case of self-defense. A violator is guilty of felony aggravated cruelty to animals and on conviction is subject to imprisonment for up to three years and/or a fine of up to \$5,000. As a condition of sentencing, the court may order a defendant convicted of violating § 10-606 to (1) participate in and pay for psychological counseling and (2) pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant. The court may also, as a condition of sentencing, prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

*Black's Law Dictionary* defines “reckless” as being “[c]haracterized by the creation of a substantial and unjustifiable risk of harm to others and by a conscious (and sometimes deliberate) disregard for or indifference to that risk.”

**State Fiscal Effect:** The Judiciary advises that it can implement the bill and handle additional cases with existing budgeted resources. The Office of the Public Defender (OPD) advises that reducing the mental state required for cruelty to law enforcement animals from intentional to reckless may have a fiscal impact in the form of additional cases. The Department of Legislative Services advises that OPD can likely address any additional cases resulting from the bill with existing budgeted resources.

The Maryland Sentencing Guidelines Database indicates that 14 individuals were sentenced to 19 counts under § 10-606 of the Criminal Law Article in the State’s circuit courts during fiscal 2023. The data cannot distinguish if any of these offenses involved an animal owned or used by a law enforcement unit. Information regarding relevant District Court cases is not readily available at this time. The District Court has concurrent jurisdiction with the circuit courts over felony aggravated cruelty to animals under § 10-606.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Prince George’s County; City of Annapolis; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State’s Attorneys’ Association; Department of Public Safety and Correctional Services; Department of State Police; *Black’s Law Dictionary*; Department of Legislative Services

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