

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 86 (Delegate Stern)
Judiciary

Crimes - Cruelty to Animals - Penalties

This bill makes specified prohibitions against cruelty to animals felonies rather than misdemeanors and creates a new felony offense relating to acts against animals trained to assist physically disabled persons.

Fiscal Summary

State Effect: Potential minimal decrease in general fund revenues due to a change in court jurisdiction. Potential minimal increase in expenditures due to incarceration penalty provisions for the new offense.

Local Effect: Potential minimal increase in revenues due to a change in court jurisdiction. Expenditures should not be affected.

Small Business Effect: None.

Analysis

Bill Summary: This bill makes the current law prohibition against “cruelty” to animals a felony rather than a misdemeanor, and increases maximum monetary penalties from \$1,000 to \$10,000. The maximum incarceration penalty for this offense remains at 90 days. This bill makes the current law prohibition against “mutilation” of animals (which includes killing an animal and engaging in or conducting dogfights) a felony rather than a misdemeanor, and increases maximum monetary penalties from \$5,000 to \$10,000. The maximum incarceration penalty for this offense remains at three years.

The bill also creates a separate prohibition against tormenting, intentionally injuring, or cruelly killing a dog or other animal that is trained in a recognized animal training school to

assist physically disabled persons. Violators are guilty of a felony and subject to maximum penalties of a fine of \$25,000 and/or imprisonment for three years.

In addition, the bill provides that violators of all three prohibitions are required to participate in a community service program for up to one year, or a psychological counseling program paid for by the violator.

Current Law: “Cruelty” and “mutilation” offenses are misdemeanors subject to penalties described above. There is no specific current law prohibition against cruel treatment of animals trained to assist physically disabled persons.

State Revenues: Since felonies are not heard in the District Court, general fund revenues could decrease as a result of the applicable fines not being collected.

State Expenditures: Changing crimes from misdemeanors to felonies means: (1) that such cases will be filed in the circuit courts rather than the District Court; and (2) some persons could eventually serve longer incarcerations due to enhanced penalty provisions, applicable to some offenses, for prior felony convictions. However, without knowing whether the prospect of a jury trial might spur more plea bargains and affect actual sentencing practices for the current law misdemeanors, unless there is a major change in sentencing patterns, expenditures relating to incarceration should not be materially affected. The Division of Correction (DOC) reports that there were an insignificant number of imprisonment intakes based on cruelty to animal offenses and that the number of probation intakes for such offenses was slightly higher, but fewer than 25.

In any event, general fund expenditures could increase minimally as a result of the bill’s incarceration penalty due to more people being committed to DOC facilities for the new felony offense and increased payments to counties for reimbursement of inmate costs. The number of people convicted of any of these crimes is expected to be minimal.

Persons serving a sentence longer than one year are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,700 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. The average variable cost of housing a new DOC inmate (food, medical care, etc.), excluding overhead, is \$260 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem

reimbursements for fiscal 2001 are estimated to range from \$11 to \$54 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center, a State operated facility, is used primarily for pretrial detentions.

Local Revenues: By changing these crimes from misdemeanors to felonies and creating the additional felony, cases that could have been filed in District Court will be filed solely in the circuit courts. The number of cases is assumed to be small. Accordingly, this bill should not significantly increase local revenues resulting from the applicable monetary provisions.

Additional Information

Prior Introductions: As introduced, HB 711 of 1999 proposed to repeal the States' cruelty to animals misdemeanor statute and replace it with the felony of "aggravated cruelty," which would have significantly expanded current law prohibitions and increased penalties. As enacted (Chapter 448 of 1999), the bill established a new misdemeanor prohibition against intentionally inflicting bodily harm, disability, or death on a law enforcement animal.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - January 27, 2000

bc/jr

Analysis by: Guy G. Cherry

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510