

Department of Legislative Services  
Maryland General Assembly  
2001 Session

FISCAL NOTE

House Bill 993  
Judiciary

(Delegate Malone, *et al.*)

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Criminal Law - Dogfighting - Penalties

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The bill provides that a person who uses a dog in, permits a dog to be used in, arranges, or conducts a dogfight is guilty of a felony and on conviction is subject to maximum penalties of a fine of \$20,000 and/or imprisonment for three years. A violator may also be ordered by a court to participate in psychological counseling at the violator's expense.

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Fiscal Summary

**State Effect:** General fund revenues could decrease minimally due to the bill's fine provision, and expenditures associated with imprisonment could increase minimally.

**Local Effect:** Revenues could increase minimally due to the bill's increased monetary penalty provision for those cases heard in the circuit courts. Expenditures would not be affected.

**Small Business Effect:** None.

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Analysis

**Current Law:** Chapter 448 of 1999 established the existing misdemeanor prohibitions against animal *cruelty* and *mutilation* which extend to the prohibited acts relating to dogfighting cited in this bill. Under provisions relating to *cruelty*, a person is prohibited from knowingly attending a deliberately conducted dogfight as a spectator. A violator is guilty of a misdemeanor and subject to maximum penalties of a fine of \$1,000 and/or imprisonment for 90 days. Under provisions relating to *mutilation*, a person using or allowing a dog to be used in, or arranging or conducting a dogfight is guilty of a misdemeanor and subject to maximum penalties of a fine of \$5,000 and/or imprisonment

for three years. In addition, a person convicted under the prohibition against *mutilation* may also be ordered by a court to participate in psychological counseling at that person's expense.

**State Revenues:** General fund revenues could decrease minimally as a result of the bill's increased monetary penalty provision since felony cases are generally heard in the circuit courts.

**State Expenditures:** Changing crimes from misdemeanors to felonies means: (1) that such cases will likely 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. It is not known whether, under this bill's provisions, the prospect of a jury trial might spur more plea bargains and affect actual sentencing practices for this offense.

In fiscal 2000, the Division of Correction (DOC) had an intake of five persons for offenses relating to animal cruelty. The Division of Parole and Probation had an intake of 34 persons for related offenses. It is not known how many of those persons would be covered under the provisions of this bill. In any case, general fund expenditures could increase minimally as a result of the bill's provisions due to more people being committed to DOC. The number of people convicted of this proposed felony 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. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$288 per month.

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### **Additional Information**

**Prior Introductions:** A similar bill, HB 1048, was introduced during the 2000 session. That bill was amended in each house and, without concurrence or recession, was referred to a conference committee. No further action was taken on it.

**Cross File:** None.

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

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