

Department of Legislative Services

Maryland General Assembly

2002 Session

FISCAL NOTE

House Bill 696

(Delegate Edwards)

Judiciary

Criminal Law - Aggravated Animal Cruelty Associated with Domestic Violence

This bill provides that a person may not intentionally mutilate, torture, cruelly beat, or cruelly kill an animal owned by, or in the presence of, a person eligible for relief from domestic violence. A person who violates this prohibition is guilty of the felony of aggravated cruelty to animals associated with domestic violence. A violator may receive imprisonment for up to five years, a maximum fine of \$7,000, or both. As a condition of sentencing, a court may order a defendant to participate in and pay for psychological counseling. The commission of this offense constitutes abuse for purposes of the issuance of domestic violence temporary and final protective orders.

Fiscal Summary

State Effect: Minimal increase in general fund expenditures due to the bill's penalty provisions.

Local Effect: Minimal increase in revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: Potential minimal increase in small business revenues due to the purchase of psychological services for defendants ordered into psychological counseling.

Analysis

Current Law: A person who intentionally mutilates, tortures, cruelly beats, or cruelly kills an animal; or causes, authorizes, or arranges one of these acts is guilty of the felony of aggravated cruelty to animals, which is punishable by a maximum fine of \$5,000 or

imprisonment for up to three years, or both. As a condition of the sentence, the defendant is also subject to court-ordered psychological counseling, which is to be paid for by the defendant. Criminal penalties that may be imposed are not altered if the acts occurred in the presence of a person eligible for domestic violence relief or the owner of an injured animal was a person eligible for domestic violence relief.

Chapters 592 and 593 of 2001 created the felony of aggravated cruelty to animals, which also includes:

- using or allowing a dog to be used in or arranging or conducting a dogfight;
- using or allowing a bird to be used to fight with another animal; or
- except in the case of self-defense, intentionally inflicting bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit. These acts were previously misdemeanors.

Background: In 2000, the Humane Society of the United States (HSUS) conducted a national study on the prevalence of human violence in animal cruelty situations. HSUS surveyed 1,624 animal cruelty cases from around the country. Intentional violence toward animals was involved in 922 of the cases and extreme animal neglect was involved in 504 cases.

Of the cases involving intentional cruelty to animals, 21% of those also involved some form of family violence, including domestic violence (13% of the cases), child abuse (7%), and elder abuse (1%). Of all the cases studied, companion animals were the most common targets of cruelty as they were involved in 76% of the cases. In the companion animal cases, dogs were involved 76% of the time, while cats were involved 19% of the time. For the intentional abuse cases, the most common offenses (55% of the cases studied) were shooting, beating, throwing, or mutilating the animals.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalties due to more people being committed to Division of Correction (DOC) facilities and increased payments to counties for reimbursement of inmate costs. The number of people convicted of this proposed crime is expected to be minimal.

Generally, 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 \$1,850 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 \$300 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 2003 are estimated to range from \$10 to \$61 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: Revenues could increase minimally as a result of the bill's monetary penalty provisions from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalties. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$20 to \$84 per inmate in fiscal 2003.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Human Resources, Department of Public Safety and Correctional Services, Humane Society of the United States, Department of Legislative Services

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