

**Department of Legislative Services**  
Maryland General Assembly  
2006 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 11  
Judiciary

(Delegate Levy, *et al.*)

Judicial Proceedings

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**Crimes - Inflicting Unnecessary Suffering or Pain on Animals - Prohibition**

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This bill prohibits a person from inflicting unnecessary suffering or pain on an animal or causing, procuring, or authorizing that act. The bill repeals the requirement that a person be an owner or have custody of an animal to be prosecuted for the infliction of unnecessary pain and suffering on an animal. The bill may not be construed to apply to lawful hunting or lawful trapping.

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**Fiscal Summary**

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

**Local Effect:** Minimal increase in expenditures due to the bill's incarceration provision.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A person is prohibited from overdriving or overloading an animal, depriving an animal of necessary sustenance, or causing, procuring, or authorizing such an act. If a person has custody or charge of an animal, as an owner or otherwise, the person is prohibited from inflicting unnecessary suffering or pain on the animal or unnecessarily failing to provide sufficient nutrition, necessary veterinary care, proper drink, air, space, shelter, or protection from the elements.

A person who violates these provisions is guilty of a misdemeanor and is subject to maximum penalties of 90 days imprisonment and/or a \$1,000 fine. As a condition of sentencing, the court may order a defendant to participate in and pay for psychological counseling.

**Background:** The Office of the Attorney General advises that a person who inflicts harm on an animal in self-defense is not guilty of infliction of unnecessary suffering or pain on an animal unless the person used greater force than is reasonable necessary for self-defense.

**State Revenues:** General fund revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

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

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. 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 2007 are estimated to range from \$17 to \$65 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility. Currently, the DOC average total cost per inmate, including overhead, is estimated at \$1,974 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 \$341 per month.

**Local Expenditures:** Expenditures could increase as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration 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 \$33 to \$119 per inmate in fiscal 2007.

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### **Additional Information**

**Prior Introductions:** This bill is a reintroduction of HB 1415 of 2005, which passed the House and was referred to the Judicial Proceedings Committee, where it received no further action.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 7, 2006  
ncs/jr Revised - Enrolled Bill - April 20, 2006

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