

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 662
Judiciary

(Delegate Frush, *et al.*)

Criminal Law - Dogfighting and Cockfighting - Penalties

This bill increases the maximum penalties for attending a dogfight or cockfight as a spectator from 90 days imprisonment and/or a fine of \$1,000 to five years imprisonment and/or a fine of \$5,000. The bill increases the maximum incarceration from three to five years for allowing or possessing dogs or birds to be used in dogfights or cockfights; selling, transporting, and training animals for use in these fights; and otherwise facilitating dogfights or cockfights.

Fiscal Summary

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

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

Small Business Effect: None.

Analysis

Current Law: A person may not knowingly attend, as a spectator, a deliberately conducted event with fowl, cock, or other bird fighting. A person may not knowingly attend a deliberately conducted dogfight as a spectator. A violator is guilty of a misdemeanor and is subject to imprisonment for up to 90 days and/or a maximum fine of \$1,000. As a condition of sentencing, the court may order a violator to participate in and pay for psychological counseling.

A person may not possess, own, sell, transport, or train a dog with the intent to use the dog in a dogfight; arrange or conduct a dogfight; or knowingly allow premises under his or her control to be used for dogfighting. A violator is guilty of a felony and is subject to up to three years imprisonment and/or a maximum fine of \$5,000.

A person may not possess, with an intent to unlawfully use, an implement of cockfighting or any tool designed to enhance a bird's fighting ability for use in a deliberate bird fighting event. These implements include gaffs, slashers, postizas, sparring muffs, or any other sharp tool intended to replace the natural spur of a gamecock or other fighting bird. A person may not arrange or conduct an event where a fowl, cock, or other bird fights with another fowl, cock, or other bird. A person may not possess, own, sell, transport, or train a bird with the intent to use the fowl, cock, or other bird in a cockfight, or knowingly allow premises under the person's control to be used for a fowl, cock, or other bird to fight with another fowl, cock, or other bird. A violator is guilty of a felony and may receive up to three years imprisonment and/or a maximum fine of \$5,000. The court may order the violator to undergo and pay for psychological counseling.

Background: According to the Humane Society of the United States (HSUS), dogfighting is illegal in all 50 states and the District of Columbia. In 19 states, being a spectator at a dogfight is a felony. In 27 states, including Maryland and the District of Columbia, being a spectator at a dogfight is a misdemeanor. In 48 states and the District of Columbia, dogfighting is a felony, while in the other two states, it is a misdemeanor.

Cockfighting is illegal in all 50 states and the District of Columbia, according to HSUS. In 40 states and the District of Columbia, being a spectator at a cockfight is illegal. In 27 states, including Maryland, being a spectator is a misdemeanor, while in 13 states being a spectator is a felony. In 10 states, being a spectator at a cockfight is legal. In 35 states, including Maryland and the District of Columbia, cockfighting is a felony offense. In the other 15 states, cockfighting is a misdemeanor.

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

General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to people being committed to Division of Correction (DOC) facilities for longer periods of time and increased payments to counties for reimbursement of inmate costs. The number of people convicted under this enhanced penalty is expected to be minimal.

Persons serving a sentence longer than 18 months are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$2,600

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 \$526 per month. Excluding medical care, the average variable costs total \$148 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or DOC. 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 2009 are estimated to range from \$19 to \$71 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 provision from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalty. 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 \$40 to \$129 per inmate in fiscal 2009.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of Legislative Services

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