

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 719

(Delegate Malone, *et al.*)

Judiciary

Judicial Proceedings

Criminal Law - Dogfight and Cockfight Attendance - Penalties

This bill increases the penalties for knowingly attending a deliberately conducted dogfight or cockfight as a spectator to a maximum of one year imprisonment and/or a fine of \$2,500 from a maximum of 90 days imprisonment and/or a \$1,000 fine.

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 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 attend a deliberately conducted dogfight as a spectator. A violator of these provisions 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.

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 additional 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 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 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: SB 44 (Senator Stone) – Judicial Proceedings.

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

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