

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 294
Judiciary

(Delegate Costa)

Abuse or Neglect of Animals - Use of Rifle, Handgun, or Other Weapon - Penalties

This bill prohibits a person from inflicting unnecessary suffering or pain on an animal through the use of a rifle, handgun, or certain other statutorily defined weapons. Violators are guilty of a misdemeanor, punishable by maximum penalties of one year imprisonment and/or a \$5,000 fine. The bill also increases the current maximum penalty for abuse or neglect of an animal from 90 days imprisonment and/or a \$1,000 fine to six months imprisonment and/or a \$2,500 fine.

Fiscal Summary

State Effect: Minimal increase in general fund revenues from fines imposed in District Court cases. Minimal increase in general fund incarceration expenditures due to the bill's penalty provisions.

Local Effect: Minimal increase in revenues from fines imposed in circuit court cases. Minimal increase in incarceration expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Current Law: A person is prohibited from abusing or neglecting an animal, which consists of overdriving or overloading an animal; depriving an animal of necessary sustenance; inflicting unnecessary suffering or pain on an animal; 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 unnecessarily failing to provide sufficient

nutrition, necessary veterinary care, proper drink, air, space, shelter, or protection from the elements. These provisions do not apply to lawful hunting or lawful trapping.

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.

A person is prohibited from intentionally mutilating; torturing; cruelly beating or cruelly killing an animal; or causing, procuring, or authorizing such an act. A person is also prohibited from intentionally inflicting bodily harm, permanent disability, or death on a law enforcement unit service animal, unless the person is acting in self-defense.

A person who violates these provisions is guilty of the felony of aggravated cruelty to animals, and is subject to maximum penalties of three years imprisonment and/or a \$5,000 fine. As a condition of sentencing, the court may order a defendant to participate in and pay for psychological counseling.

Under § 4-101 of the Criminal Law Article, “weapon” includes a dirk knife, bowie knife, switchblade knife, star knife, sandclub, metal knuckles, razor, and nunchaku. “Weapon” does not include a handgun or a penknife without a switchblade.

Background: According to the Humane Society of the United States, every state has an animal cruelty law and 47 states treat some form of abuse as a felony.

The issue of animal cruelty has been making headlines in the area recently. On February 7, 2011, the longest animal cruelty trial ever held in Baltimore City ended in a mistrial when a jury could not reach a unanimous verdict on the alleged fatal burning of a pit bull by then 17-year old twin brothers. The jurors were deadlocked 11-1 in favor of conviction. The Baltimore City State’s Attorney announced that the case will be retried.

On February 11, 2011, a witness reported seeing two boys beating a cat with a stick in the Fells Point area of Baltimore City. The cat is currently being treated for its injuries, including a broken leg.

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

State Expenditures: General fund expenditures increase minimally as a result of the bill’s incarceration penalties due to people being committed for longer periods of time and more people being committed to Division of Correction facilities for convictions in

Baltimore City. The number of people convicted of this proposed 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 Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

Local Revenues: Revenues increase minimally as a result of the bill's monetary penalty provisions from cases heard in the circuit courts.

Local Expenditures: Expenditures increase as a result of the bill's incarceration penalties. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from \$57 to \$157 per inmate in recent years.

Additional Information

Prior Introductions: None.

Cross File: SB 425 (Senator Astle) - Judicial Proceedings.

Information Source(s): Baltimore, Howard, and Montgomery counties; Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; wbaltv.com, *The Baltimore Sun*; Department of Legislative Services

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Analysis by: Amy A. Devadas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510