

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 115

(Senator Robey, *et al.*)

Judicial Proceedings

Judiciary

Criminal Law - Animal Abuse, Neglect, or Cruelty - Conditions of Probation

This bill authorizes a court, as a condition of probation for animal abuse, neglect, or cruelty, to prohibit a defendant from owning, possessing, or residing with an animal.

Fiscal Summary

State Effect: None. The bill's requirements can be met with existing budgeted State resources.

Local Effect: None. The bill's requirements can be met with existing budgeted local resources.

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.

Background: According to the Humane Society of the United States, 22 states, the District of Columbia, and the U.S. Virgin Islands have statutes regarding future ownership of animals by individuals convicted of animal cruelty. The statutes range from outright bans on future ownership to authorization for a court to ban future ownership for a certain amount of time.

Additional Information

Prior Introductions: None.

Cross File: HB 227 (Delegate Waldstreicher, *et al.*) - Judiciary.

Information Source(s): Office of the Public Defender, State's Attorneys' Association, Humane Society of the United States, Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2011
ncs/kdm Revised - Senate Third Reader - March 29, 2011

Analysis by: Amy A. Devadas

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