

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 80
Judiciary

(Delegate Eckardt, *et al.*)

Criminal Law - Shelter and Weather Protection Requirement - Bison Exemption

This bill specifies that the prohibition against unnecessarily failing to provide an animal with shelter or protection from the weather does not apply to a person who has charge or custody of bison, as owner or otherwise.

Fiscal Summary

State Effect: Potential minimal decrease in general fund revenues from fines imposed in the District Court. The bill is not anticipated to have a material effect on caseloads for the District Court or the Office of the Public Defender.

Local Effect: Potential minimal decrease in local incarceration expenditures.

Small Business Effect: Minimal positive impact on bison ranchers who would otherwise face misdemeanor charges and penalties for failure to provide shelter or weather protection for their herds.

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 customary and normal veterinary and agricultural husbandry practices, lawful hunting or lawful trapping, or research meeting specified requirements.

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.

Background: The American bison, also known as the American buffalo, is North America's largest native land animal. In 1830, the American bison population was estimated to have been between 30 and 60 million. By 1889, the population was reduced to fewer than 1,000 animals. Current estimates of the bison population range from 200,000 to 500,000, with the increase being attributable to conservation efforts and breeding programs. According to one report, the vast majority of today's bison population (approximately 96%) live on private ranches, with the remaining 4% residing in wildlife refuges and national parks.

The American bison is an herbivore that lives in various prairie environments. Though bison do not migrate to warmer climates or hibernate during winter, they are equipped to adapt to the harsh climatic changes of the prairie through biological and behavioral changes. Bison grow thick, insulating coats during the fall and winter and lose their coats when the weather becomes warmer. They also roll in dust or mud to stay cool during hot weather.

According to the Eastern Bison Association, there are several bison producers in Maryland.

Additional Information

Prior Introductions: None.

Cross File: SB 102 (Senator Colburn) - Judicial Proceedings.

Information Source(s): Smithsonian Institution (National Zoological Park), Eastern Bison Association, Public Broadcasting Service, Judiciary (Administrative Office of the Courts), Department of Legislative Services

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mc/kdm

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