

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

Senate Bill 445

(Senators Colburn and Mathias)

Judicial Proceedings

Criminal Law - Animal Cruelty - Assignment and Costs of Animal

This bill requires a court to order a defendant convicted of felony aggravated cruelty to animals (general, dogfight, or cockfight) to (1) assign ownership of any animal (or dog, fowl, cock, or other bird) subjected to the cruelty that is the basis of the offense to the agency or organization that confiscated the animal for disposal at the discretion of that agency or organization; and (2) pay, in addition to any other fines and costs, all reasonable costs incurred in removing, feeding, housing, treating, or euthanizing an animal confiscated from the defendant. The order is a condition of sentencing.

Fiscal Summary

State Effect: None. The bill is procedural and does not materially affect State finances.

Local Effect: Potential minimal decrease in local expenditures to the extent court-ordered payments defray costs incurred by local government entities that care for confiscated animals.

Small Business Effect: Potential meaningful impact to the extent court-ordered payments defray costs incurred by small businesses that care for confiscated animals.

Analysis

Current Law: A person may not intentionally mutilate, torture, cruelly beat, or kill an animal or cause or procure such an act. Except in the case of self-defense, a person may not intentionally inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit. 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 probation, a court may prohibit a defendant from owning, possessing, or residing with an animal.

A person may not: (1) use or allow a dog to be used in a dogfight; (2) arrange or conduct a dogfight; (3) possess, own, sell, transport, or train a dog with the intent to use the dog in a dogfight; or (4) knowingly allow premises under his or her control to be used for dogfighting. A person who violates these provisions is guilty of a felony and is subject to maximum penalties of three years imprisonment and/or a fine of \$5,000.

A person may not: (1) use or allow the use of a fowl, cock, or other bird to fight with another animal; (2) 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; (3) arrange or conduct an event where a fowl, cock, or other bird fights with another fowl, cock, or other bird; (4) possess, own, sell, transport, or train a bird with the intent to use the fowl, cock, or other bird in a cockfight; or (5) 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 person who violates these provisions is guilty of a felony and may receive maximum penalties of three years imprisonment and/or a fine of \$5,000.

The court may order a person convicted of any of these crimes to undergo and pay for psychological counseling.

Additional Information

Prior Introductions: None.

Cross File: HB 336 (Delegate Haddaway-Riccio, *et al.*) - Judiciary.

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

Fiscal Note History: First Reader - February 7, 2012
ncs/kdm

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