

**Department of Legislative Services**  
 Maryland General Assembly  
 2014 Session

**FISCAL AND POLICY NOTE**

Senate Bill 912 (Senator Stone)  
 Judicial Proceedings

**Maryland Animal Abuse Registry**

This bill requires the Department of Public Safety and Correctional Services (DPSCS) to establish and maintain a central computerized Maryland Animal Abuse Registry of persons convicted of specified animal abuse or neglect offenses. Each registrant must pay an annual registration fee of \$50 for five years. The bill also establishes an Animal Abuse Registry Fund within DPSCS. The fund may be used only for funding the administration of the registry laws by county sheriffs and DPSCS.

**Fiscal Summary**

**State Effect:** General fund expenditures for DPSCS increase by \$305,700 in FY 2015 to cover the costs to design and set up the electronic registry that are not supported with available special funds. Special fund revenues increase by \$14,300 in FY 2015 from registration fees; special fund expenditures increase correspondingly. Future years reflect annualization and registry growth. General fund revenues increase minimally from investment earnings of the new fund. It is assumed that the bill’s penalty provisions do not materially affect State finances or operations.

(in dollars)	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
GF Revenue	-	-	-	-	-
SF Revenue	\$14,300	\$38,000	\$57,000	\$76,000	\$95,000
GF Expenditure	\$305,700	\$56,500	\$53,200	\$50,000	\$46,900
SF Expenditure	\$14,300	\$38,000	\$57,000	\$76,000	\$95,000
Net Effect	(\$305,700)	(\$56,500)	(\$53,200)	(\$50,000)	(\$46,900)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** Minimal. While the bill increases the workload of local law enforcement units, any potential costs may be offset through annual special fund allotments for the administration of laws pertaining to the registry. It is assumed that the bill’s penalty provisions do not materially affect local government operations or finances.

**Small Business Effect:** Minimal.

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## Analysis

**Bill Summary:** A person is convicted for purposes of the bill when the person (1) is found guilty of a crime by a jury or judicial officer; (2) enters a plea of guilty or *nolo contendere*; (3) is granted probation before judgment under specified circumstances; or (4) is found not criminally responsible.

The animal abuse registry must be updated based on information made available to DPSCS and must include the offender's name, the offender's residential address, the date and description of the crime for which registration is required, and a digital image of the offender. Information contained in the registry must be made available to the public through the Internet, by telephone, by written access, and in person.

A person convicted of an animal abuse crime is required to register with the county sheriff for the county in which the person is located within 10 days after the conviction. The registrant is required to update registry information annually and to reflect any change in address within 10 days of the change. The registration requirement for each person remains in effect for five years, unless extended an additional five years for subsequent convictions that occur after initial registration.

The county sheriff is required to obtain a digital image of the registrant and forward all registration information to DPSCS. In addition to any fine, fee, or penalty levied or imposed, each registrant must pay an annual registration fee of \$50. The sheriff must remit the annual registration fees collected to the State Treasurer for deposit into the Animal Abuse Registry Fund established by the bill.

Up to 65% of the money in the fund must be payable to the counties to fund the collection of information by the county sheriffs, as required by the bill. Up to 35% of the money in the fund must be payable to DPSCS to fund the registry.

A person convicted of an animal abuse crime may appeal to the circuit court for the county where the person resides for a determination of the level of danger posed by the offender for the purpose of removing the person's name from the registry. If the court finds that the circumstances of the offense do not indicate a risk of reoffending by the offender or that the offender is a danger to the public, the court must specify in writing the reasons for its finding, notify the offender, and order DPSCS to remove the offender's registration information from the registry.

The bill prohibits a person subject to registration from knowingly failing to register with the county sheriff or providing accurate information. For a first offense, a violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for one year and/or a fine of \$1,000. A second or subsequent offense is a felony subject to maximum penalties of imprisonment for five years and/or a fine of \$10,000.

An animal shelter, pet store, or an animal breeder must determine whether the name and address of a person seeking to purchase or adopt an animal appears on the registry. The bill prohibits an animal shelter, pet store, or an animal breeder from knowingly offering, selling, delivering, giving, or providing an animal to a person on the registry. For a first offense, a violator is guilty of a misdemeanor and subject to a maximum fine of \$500. A second or subsequent offense is punishable by a maximum fine of \$5,000.

**Current Law:** A person may not intentionally mutilate, torture, cruelly beat, or cruelly 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. The court may order a person convicted of this crime to undergo and pay for psychological counseling. 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 dog fight or for baiting; (2) arrange or conduct a dog fight; (3) possess, own, sell, transport, or train a dog with the intent to use the dog in a dog fight or for baiting; or (4) knowingly allow premises under his or her control to be used for dog fighting or for baiting. A person who violates these provisions is guilty of a felony and is subject to up to three years imprisonment or a maximum fine of \$5,000, or both. The court may order a person convicted of this crime to undergo and pay for psychological counseling.

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 cock fighting or any tool designed to enhance a bird's fighting ability or for use in a deliberately conducted 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 cock fight; 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 up to three years imprisonment, a maximum fine of \$5,000, or both. The court may order a person convicted of this crime to undergo and pay for psychological counseling.

A person may not willfully and maliciously give poison or ground glass to a dog, or expose poison or ground glass, with the intent that a dog ingest it. A violator is guilty of a misdemeanor and subject to a maximum \$100 fine for each violation.

**Background:** The registry created under the bill is similar to the current sex offender registry operated and maintained by DPSCS.

According to the Humane Society of the United States (HSUS), 47 states currently have felony provisions for animal cruelty: 13 were enacted between 1986 and 1996 and 28 more were enacted between 1997 and 2011. In 2012, HSUS reported that at least 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.

A review of the Maryland Sentencing Guidelines Database indicates that in fiscal 2013, there was one conviction for aggravated cruelty in the circuit courts; no convictions for aggravated cruelty related to dog fights; and no convictions for violations relating to cock fights. Data on dog poisoning violations are not available, because the offense is not included in the guidelines database. There were likely convictions for the bill's covered offenses in the District Court. Prior year data from the courts and DPSCS involving the bill's covered offenses shows that about 380 individuals are charged with related animal abuse offenses annually.

**State Revenues:** It is assumed that about 380 persons annually are subject to the bill's \$50 annual registration fee for a five-year period. Accounting for the bill's October 1, 2014 effective date, special fund revenues to the Animal Abuse Registry Fund total \$14,250 in fiscal 2015. Future year revenues increase by \$19,000 per year through fiscal 2019 (\$95,000), at which time revenues level-out reflecting the expiration of the five-year limitation on registrations from earlier years.

General fund revenues increase minimally from investment earnings of the new fund.

### **State Expenditures:**

#### *Administrative Costs*

Establishing an animal abuse registry within DPSCS costs approximately \$310,733 in fiscal 2015, which includes a one-time expenditure of \$255,500 in computer programming expenses. This estimate reflects the cost of hiring one administrative officer and includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1
Salary and Fringe Benefits	\$50,428
Computer Programming Expenses	255,500
Other Operating Expenses	<u>4,805</u>
<b>FY 2015 DPCS Administrative Expenditures</b>	<b>\$310,733</b>

Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

The Administrative Office of the Courts reports that the bill may increase caseloads due to the new charges connected with registry related violations and, as a result, a corresponding increase in commissioner initial appearance hearings, bail reviews, and preliminary hearings held in the District Court, which could lead to an increase in the number of felony charges to be adjudicated in the circuit courts. Any such increases in caseloads can be handled with the existing budgeted resources of the courts.

It is assumed that any additional caseload for the Office of the Public Defender resulting from legal challenges to inclusion in the registry and/or assessment of the annual registration fee can be handled with existing budgeted resources.

*Special Fund Expenditures*

Up to 65% of special fund revenues must be provided to county governments to fund the collection of registration information by county sheriffs, and up to 35% of special fund revenues must be provided to DPSCS to cover the establishment and administration of the registry. Accordingly, local governments receive up to \$9,263 in annual grants in fiscal 2015, which increases to \$61,750 by fiscal 2019. DPSCS retains up to \$4,988 in fiscal 2015 to partially cover the cost to establish and administer the animal abuse registry. The amount of annual special fund revenues retained by DPSCS increases to \$33,250 by fiscal 2019, which covers approximately 41% of the cost to administer the registry. The following table shows the net effect on general fund expenditures to cover the remaining costs.

	<b><u>FY 2015</u></b>	<b><u>FY 2016</u></b>	<b><u>FY 2017</u></b>	<b><u>FY 2018</u></b>	<b><u>FY 2019</u></b>
Registry Costs	\$310,733	\$69,835	\$73,117	\$76,555	\$80,160
Available Special Funds	4,988	13,300	19,950	26,600	33,250
<b>Required General Funds</b>	<b>\$305,745</b>	<b>\$56,535</b>	<b>\$53,167</b>	<b>\$49,955</b>	<b>\$46,910</b>

**Local Revenues:** Local governments receive 65% of the revenues deposited in the special Animal Abuse Registry Fund in the form of grants to offset the collection of registration information by county sheriffs. The amount of annual grant funding is projected to total \$9,263 in fiscal 2015, growing to \$61,750 by fiscal 2019.

**Local Expenditures:** While the workload of local law enforcement units may increase, any potential costs may be offset by the distribution of grants from the special fund. A brief survey of local jurisdictions by the Department of Legislative Services yielded the following additional information:

Worcester County reports that the bill's requirements require the hiring of one additional full-time county employee. The salary, fringe benefits, training, equipment, and vehicle for that person totals about \$130,000 in fiscal 2015, and about \$45,000 per year thereafter.

Washington County estimates additional costs of about \$8,000 annually resulting from additional responsibilities under the bill.

Montgomery County reports minimal fiscal or operational impact under the bill. The county normally charges such offenses under the county code and rarely charges persons using the bill's covered State prohibitions.

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### **Additional Information**

**Prior Introductions:** SB 301 of 2012 received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file, HB 1020, received an unfavorable report by the House Judiciary Committee.

**Cross File:** None.

**Information Source(s):** Montgomery, Washington, and Worcester counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Department of State Police; Office of the Public Defender; Department of Public Safety and Correctional Services; State's Attorneys' Association; Humane Society of the United States; Department of Legislative Services

**Fiscal Note History:** First Reader - February 17, 2014  
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