

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 234
Judiciary

(Delegate Williams)

Judicial Proceedings

Criminal Law - Harm to Service Animals

This bill prohibits a person from willfully and maliciously killing, injuring, or interfering with the use of a service animal, as specified, and establishes criminal penalties for violations. Violators may also be ordered to pay full restitution for all damages arising out of the offense.

Fiscal Summary

State Effect: Any increase in caseload resulting from the bill is not anticipated to materially affect the workload of the Judiciary or the Office of the Public Defender. Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

Local Effect: Any increase in caseload resulting from the bill is not anticipated to materially affect the workload of the circuit courts or State's Attorneys' offices. Potential minimal increase in revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill's prohibitions against a person killing, injuring, or interfering with the use of a service animal apply to a person who does so directly, or who allows another animal that the person owns or has immediate control over, to do so.

A person who violates the bill's prohibitions against killing or injuring a service animal is guilty of a misdemeanor and subject to imprisonment for up to two years and/or a

maximum fine of \$2,500. A person who violates the bill's prohibition against interfering with the use of a service animal is guilty of a misdemeanor and subject to imprisonment for up to one year and/or a maximum fine of \$1,000.

The full restitution that a court may order a convicted defendant to pay as a condition of sentencing includes (1) the value of the service animal; (2) replacement and training or retraining expenses for the service animal and handler; (3) veterinary and other medical and boarding expenses for the service animal; (4) medical expenses for the handler; and (5) lost wages or income incurred by the handler during any period without the services of the service animal.

The bill does not apply to specified practices, research, or activities, including (1) customary and normal veterinary practices; (2) an activity that may cause unavoidable physical pain to an animal, if the person performing the activity uses the most humane method reasonably available; and (3) normal human activities in which the infliction of pain to an animal is purely incidental and unavoidable.

Current Law: "Service animal" is defined as a guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including (1) guiding individuals with impaired vision; (2) alerting individuals with impaired hearing to an intruder or sounds; (3) providing minimal protection or rescue work; (4) pulling a wheelchair; (5) fetching dropped items; or (6) detecting the onset of a seizure.

Abuse or Neglect of an Animal

A person who inflicts unnecessary suffering or pain on an animal is guilty of a misdemeanor and subject to imprisonment for up to 90 days and/or a maximum fine of \$1,000. As a condition of sentencing, a court may order a violator to participate in and pay for psychological counseling, and pay for all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant. As a condition of probation, a court may prohibit a violator from owning, possessing, or residing with an animal.

Aggravated Cruelty to Animals

A person may not intentionally mutilate, torture, cruelly beat, cruelly kill, or engage in sexual contact with an animal; nor may a person cause, procure, or authorize any of those acts. 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 violator is guilty of the felony of aggravated cruelty to animals and subject to imprisonment for up to three years and/or a maximum fine of \$5,000. As a condition of sentencing, a

court may order a violator to participate in and pay for psychological counseling, and pay for all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant. A court may also prohibit a violator from owning, possessing, or residing with an animal for a specified period of time.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 607 (Senator Jackson) - Judicial Proceedings.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - January 26, 2021
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Analysis by: Tyler Allard

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