

**Department of Legislative Services**  
Maryland General Assembly  
2023 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 1192  
Judiciary

(Delegate Smith)

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**Criminal Law - Animal Cruelty - Suspected Commission by a Minor**

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This bill, in circumstances in which a minor is suspected of committing an act of animal cruelty, (1) requires an officer or authorized agent of a humane society to conduct an investigation; (2) authorizes the officer or authorized agent to coordinate with appropriate social services entities to take specified actions if the officer or authorized agent has reason to believe the minor committed an act of animal cruelty; and (3) authorizes an officer or authorized agent of a humane society, a police officer, or other public official required to protect animals, to seize an animal if necessary for the protection of the animal.

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**Fiscal Summary**

**State Effect:** The bill is not expected to materially affect State finances.

**Local Effect:** The bill is not expected to materially affect local government finances.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** If a minor is suspected of committing an act of animal cruelty, an officer or an authorized agent of a humane society must conduct an investigation. If the officer or authorized agent has reason to believe that the minor committed an act of animal cruelty, the officer or authorized agent may coordinate with appropriate social services entities to (1) evaluate the threat of self-harm or harm to others posed by the minor and (2) provide ongoing monitoring and support of the minor as appropriate.

If a minor is suspected of committing an act of animal cruelty, an officer or authorized agent of a humane society, or a police officer or other public official required to protect animals, may seize an animal if necessary for the protection of the animal. Seizure of the animal is not dependent on an adjudication of delinquency or a conviction.

**Current Law:**

*Animal Cruelty*

Under State law provisions that establish crimes relating to animals, “cruelty” means the unnecessary or unjustifiable physical pain or suffering caused or allowed by act, omission, or neglect. This includes torture and torment. Various crimes relating to animals are established in State law, including abuse or neglect of an animal, which is a misdemeanor, and aggravated cruelty to animals, which is a felony.

*Juvenile Court Jurisdiction*

The juvenile court, which can adjudicate a child (an individual under the age of 18) as delinquent, has exclusive jurisdiction over a child who is at least 13 years old alleged to be delinquent. “Delinquent child” is a child who has committed a delinquent act and requires guidance, treatment, or rehabilitation. “Delinquent act” means an act which would be a crime if committed by an adult. The juvenile court does not have jurisdiction over a child younger than age 13 for purposes of a delinquency proceeding, and such a child may not be charged with a crime.

*Seizure of an Animal*

An officer or authorized agent of a humane society, or a police officer or other public official required to protect animals, may seize an animal if necessary to protect the animal from cruelty. In addition, if an owner or custodian of an animal is convicted of an act of animal cruelty, the court may order the seizure of the animal or any other animal at the time of conviction for the protection of the animal.

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**Additional Information**

**Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Frederick County; City of Havre de Grace; 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 Human Services; Department of State Police; Department of Legislative Services

**Fiscal Note History:** First Reader - March 7, 2023  
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