

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 80

(Senators Kramer and Smith)

Judicial Proceedings

Judiciary

Criminal Law - Animal Abuse or Neglect - Penalties

This emergency bill establishes under the Criminal Law Article – separate from the existing prohibition against animal abuse or neglect – a prohibition against animal abuse or neglect that results in (1) the death of a domestic animal or livestock or (2) the need to euthanize a domestic animal or livestock based on the recommendation of a licensed veterinarian, validated by a second licensed veterinarian. A violation of the prohibition is subject to higher penalties than those for a violation of the existing prohibition against animal abuse or neglect. The bill authorizes a court, as a condition of sentencing, to (1) order a defendant convicted of violating the bill’s prohibition to participate in and pay for psychological counseling and pay costs of removing, housing, treating, or euthanizing the animal and (2) prohibit the defendant from owning, possessing, or residing with an animal for a period of time determined by the court.

Fiscal Summary

State Effect: General fund expenditures for the Judiciary increase by \$34,600 in FY 2025 only, due to one-time programming costs. General fund incarceration expenditures may also increase, and general fund revenues may be minimally affected, as discussed below.

Local Effect: Local government revenues may increase, and local government expenditures may be affected, as discussed below.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill prohibits a person from committing a violation of § 10-604 (abuse or neglect of an animal) of the Criminal Law Article that results in (1) the death of a domestic animal or livestock or (2) the need to euthanize a domestic animal or livestock based on the recommendation of a licensed veterinarian, if the decision to euthanize the domestic animal or livestock is validated before or after the euthanasia by a second licensed veterinarian.

A person who violates the prohibition is guilty of a misdemeanor and subject to imprisonment for up to one year and/or a fine of up to \$5,000.

The bill also establishes that as a condition of sentencing of a defendant convicted of violating the bill's prohibition, the court may:

- order the defendant to (1) participate in and pay for psychological counseling and (2) pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; and
- prohibit the defendant from owning, possessing, or residing with an animal for a period of time determined by the court.

Current Law: Under § 10-604 of the Criminal Law Article, a person who abuses or neglects an animal is guilty of a misdemeanor and subject to imprisonment for up to 90 days and/or a fine of up to \$1,000. As a condition of sentencing, a court may order a violator to (1) participate in and pay for psychological counseling and (2) pay, in addition to any other fines and costs, 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.

State Revenues: General fund revenues may be affected due to offsetting impacts of (1) larger monetary penalties imposed in cases heard in the District Court and (2) the bill's increased penalty provision causing more cases to be heard in the circuit courts rather than the District Court, shifting penalty revenues to local governments. However, the overall effect of the bill on general fund revenues is expected to be minimal.

State Expenditures: According to the Judiciary, the following alleged violations and convictions occurred under § 10-604 during fiscal 2024:

- 2,052 charges filed and 180 guilty dispositions in the District Court; and
- 770 charges filed and 32 guilty dispositions in the circuit courts.

Judiciary

General fund expenditures increase by \$34,558 in fiscal 2025 for one-time programming costs for the Judiciary to implement the bill's changes. Because the bill is an emergency bill and takes effect upon enactment, these costs are assumed to be incurred in fiscal 2025.

Department of Public Safety and Correctional Services

General fund expenditures may increase as a result of the bill's incarceration penalty due to more people being committed to State correctional facilities for convictions in Baltimore City.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions.

Office of the Public Defender

This analysis assumes that any impact of the bill on workloads for the Office of the Public Defender is minimal and can be absorbed with existing budgeted resources.

Local Revenues: Revenues may increase as a result of the bill's increased monetary penalty provision from cases heard in the circuit courts.

Local Expenditures: Expenditures may be affected due to (1) longer incarcerations in local detention facilities and (2) potential costs if local jurisdictions have to compensate veterinarians to validate euthanasia decisions.

Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$140 to \$350 per incarcerated individual in recent years.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 872 of 2024; HB 405 and SB 85 of 2023; and HB 1420 and SB 672 of 2022.

Designated Cross File: None.

Information Source(s): Calvert, Howard, and Prince George’s counties; Baltimore City; Judiciary (Administrative Office of the Courts); Maryland Association of Counties; Maryland Department of Agriculture; Maryland State Commission on Criminal Sentencing Policy; Maryland State’s Attorneys’ Association; Office of the Public Defender; Department of Legislative Services

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