

Department of Legislative Services
 Maryland General Assembly
 2025 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 80 (Senator Kramer)
 Judicial Proceedings

Criminal Law - Animal Abuse or Neglect - Penalties

This bill increases the penalties for abusing or neglecting an animal under § 10-604 of the Criminal Law Article if the violation results in the death of an animal or the need to euthanize the animal based on the recommendation of a licensed veterinarian, as specified. The bill also allows a court to prohibit a defendant convicted under § 10-604 from owning, possessing, or residing with an animal as a condition of sentencing.

Fiscal Summary

State Effect: General fund expenditures for the Judiciary and the Maryland Department of Agriculture (MDA) increase by up to \$124,300 in FY 2026, including \$34,600 in one-time programming costs for the Judiciary and potential personnel costs of \$89,700 for MDA. Future year expenditures reflect annualization and potential ongoing costs for MDA. General fund expenditures for incarceration may also increase, and general fund revenues may be minimally affected, as discussed below.

| (in dollars) | FY 2026 | FY 2027 | FY 2028 | FY 2029 | FY 2030 |
|----------------|-------------|-------------|-------------|-------------|-------------|
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 |
| GF Expenditure | \$124,300 | \$102,900 | \$107,600 | \$112,500 | \$117,300 |
| Net Effect | (\$124,300) | (\$102,900) | (\$107,600) | (\$112,500) | (\$117,300) |

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

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

Small Business Effect: Minimal.

Analysis

Bill Summary: If a violation of § 10-604 of the Criminal Law Article results in the death of an animal or the need to euthanize the animal based on the recommendation of a licensed veterinarian, the violator is guilty of a misdemeanor punishable by imprisonment for up to three years and/or a maximum fine of \$5,000. In order for those increased penalties to apply based on the need to euthanize the animal, the decision to euthanize the animal must be validated before or after the procedure by a second licensed veterinarian or, if the animal is a livestock or agricultural animal, the State Veterinarian. If a violation of § 10-604 does *not* result in the death of an animal or the need to euthanize the animal, the violator is guilty of a misdemeanor punishable by imprisonment for up to 90 days and/or a maximum fine of \$1,000 (the current penalties for violation of § 10-604).

The bill also establishes that as a condition of sentencing of a defendant convicted of animal abuse or neglect, a court may prohibit the defendant from owning, possessing, or residing with an animal for a period of time determined by the court. The bill also modifies an existing authorization for a court, as a condition of probation, to prohibit a defendant from owning, possessing, or residing with an animal, by specifying that the prohibition be 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 maximum fine of \$1,000. (The bill does not alter this penalty if a violation does not result in the death of an animal or the need to euthanize the animal.) 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.

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 2026 for one-time programming costs for the Judiciary to implement the bill’s changes.

Maryland Department of Agriculture

General fund expenditures may increase by \$89,719 in fiscal 2026 for MDA, which accounts for the bill’s October 1, 2025 effective date. This estimate reflects the cost of hiring:

- a part-time (0.5) field veterinarian, to help manage existing disease control and prevention work of MDA’s [Animal Health Program](#) (led by the State Veterinarian) while the State Veterinarian’s time is directed toward work associated with validations under the bill of decisions to euthanize livestock or agricultural animals (including any testimony in prosecutions); and
- a part-time (0.5) office secretary, to manage administrative/coordinating work related to the validations.

The estimate is based on MDA’s and the State Veterinarian’s indications that the Animal Health Program does not have existing capacity to take on additional work beyond the program’s disease control and prevention efforts. Information is not available on the number of cases of abuse or neglect of livestock or agricultural animals, or the number of those cases that result in euthanasia, but any more than a minimal amount of validations by the State Veterinarian is expected to require these additional personnel.

The estimate includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

| | |
|-------------------------------------|-----------------|
| Positions (two part-time positions) | 1.0 |
| Salaries and Fringe Benefits | \$78,288 |
| Operating Expenses | <u>11,431</u> |
| FY 2026 MDA Expenditures | \$89,719 |

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

Department of Public Safety and Correctional Services

General fund expenditures may increase as a result of the bill’s increased incarceration penalty due to more people being committed to State correctional facilities and payments

to counties for reimbursement of inmate costs during longer incarcerations. The precise impact on expenditures depends upon the sentences imposed under the bill, as well as how many violations of § 10-604 involve the death or euthanasia of an animal.

Persons serving a sentence longer than 18 months are incarcerated in State correctional facilities. Currently, the average total cost per incarcerated individual, including overhead, is estimated at \$5,339 per month. Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or a State correctional facility. The State provides assistance to the counties for locally sentenced incarcerated individuals and for (1) incarcerated individuals who are sentenced to and awaiting transfer to the State correctional system; (2) sentenced incarcerated individuals confined in a local detention center between 12 and 18 months; and (3) incarcerated individuals who have been sentenced to the custody of the State but are confined in or who receive reentry or other prerelease programming and services from a local facility.

The State does not pay for pretrial detention time in a local correctional facility. Persons sentenced in Baltimore City are generally incarcerated in State correctional facilities. The Baltimore Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions.

Office of the Public Defender

The Office of the Public Defender (OPD) advises that the bill's provisions may result in costs for the agency due to an increased level of effort in existing cases. This analysis assumes that any impact of the bill on OPD workloads 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 offsetting impacts of (1) longer incarcerations in local detention facilities; (2) more individuals being sentenced to State correctional facilities instead of local detention facilities due to the bill's increased incarceration penalty; and (3) 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 Comments: The Department of Legislative Services notes that it is unclear, from the text of the bill, whether a validation of a decision to euthanize a livestock or agricultural animal must be provided by the State Veterinarian or could instead be provided by a second licensed veterinarian.

Additional Information

Recent Prior Introductions: Similar legislation has not 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): Howard and Prince George's counties; 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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