

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 760
Criminal Law – Animal Cruelty – Petition for Costs for Care of
Seized Animal
DATE: February 17, 2021
(3/10)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 760. This bill relates to the seizure of animals as part of animal cruelty prosecutions. Under this bill, if an animal is seized under Section 10-615 of the Criminal Law Article, an officer or authorized agent of a humane society, or a police officer or other public official required to protect animals may file a petition against the animal owner or custodian for the reasonable costs of caring for the animal, including the provision of food, water, shelter and medical care. The petition shall be filed within seven days after criminal charges are filed against the owner or custodian of the animal and must be served within seven days of filing. On receipt of the petition, the court shall set a date for a hearing to determine the responsibility of the owner or custodian for the reasonable costs of care for the seized animal. The hearing must be scheduled not less than 14 days but not more than 21 days from the service of the petition.

The scheduling provisions provided in this bill would be difficult to implement. For example, this bill requires the court to issue an order no later than five days after the commencement, not the conclusion, of the hearing. This timeline is problematic if not impossible, especially if a hearing has been continued.

Further, the bill requires a court to order an owner to pay any filing fees and costs of animal care. This court order shall include a schedule of payments with automatic forfeiture of the animal if the owner fails to make schedule payments. It is not clear, however, who monitors the owner's compliance with the payment schedule.

Finally, the bill states that an order for payment of costs shall terminate if the owner surrenders rights to the animal or if the animal is no longer under the control of the petitioner but, again, the bill does not explain who is to monitor the status of the animal for purposes of potentially terminating the order.

cc. Hon. Justin Ready
Judicial Council
Legislative Committee
Kelley O'Connor