

ALDF 2021 State Rankings.pdf

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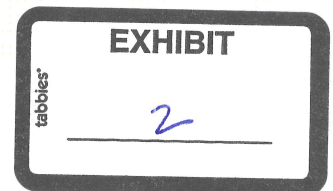
Menu

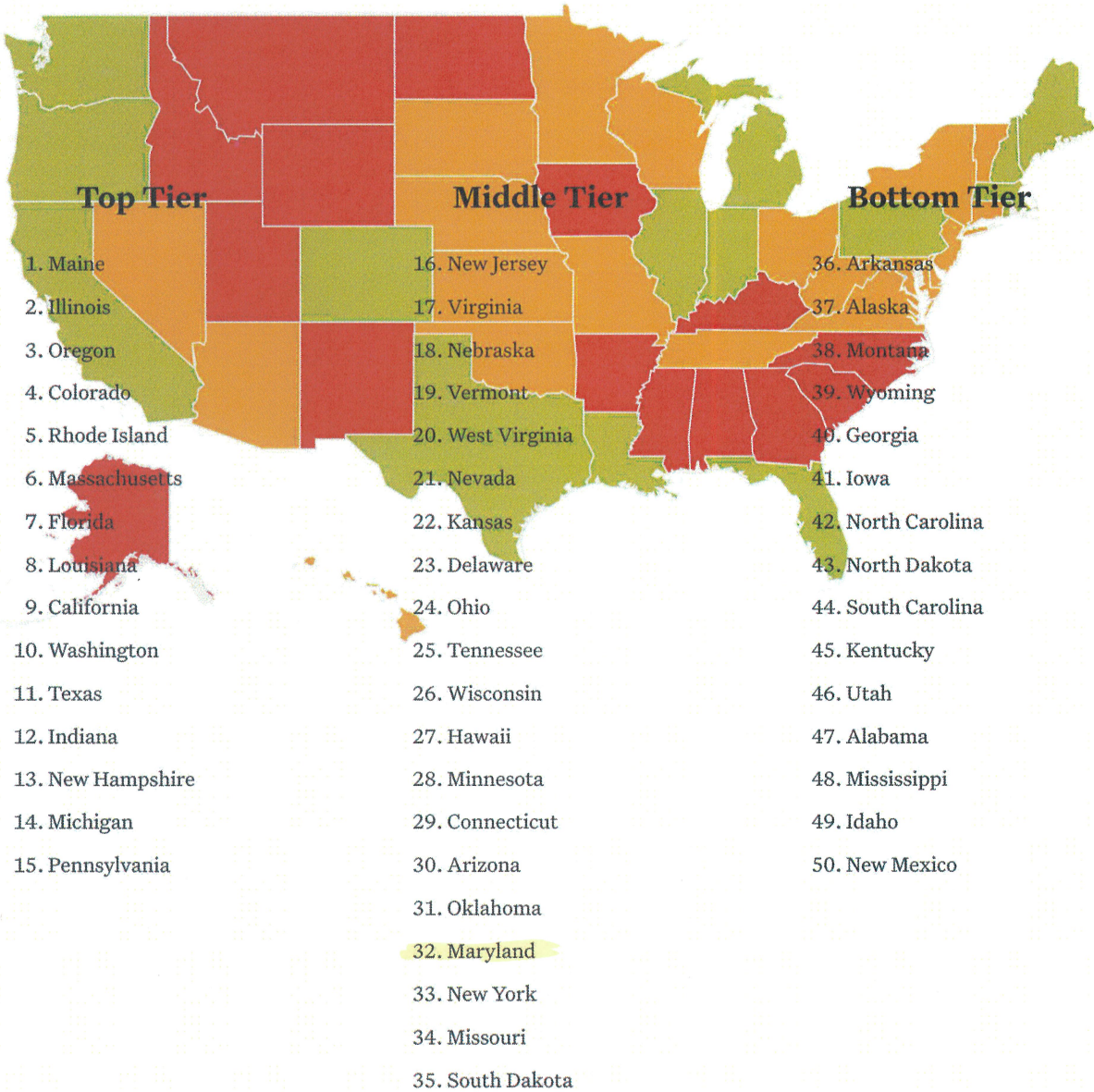


2021 U.S. State Animal Protection Laws Rankings

The Best And Worst States For Animal Protection Laws

Select an animal law category to view trends: ▼





2021 Rank

Territory

1

Guam

2

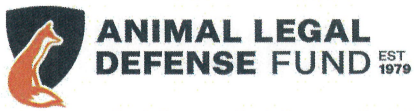
District of Columbia

3

U.S. Virgin Islands

4

Puerto Rico



Menu



Maryland

Updates about legal issues facing animals in the state

Sections



The Animal Legal Defense Fund works at the federal, state and local levels to protect the lives and advance the interests of animals. This page is meant to be used as a resource to see what is happening in your state and what actions you can take for animals.

State Rankings

Each year, the Animal Legal Defense Fund publishes its **U.S. State Animal Protection Laws Rankings Report**. It is the longest-running and most authoritative of its kind, assessing the strength of each state’s animal protection laws by examining over 3,400 pages of statutes. Each state is ranked based on 20 different categories of animal protection.

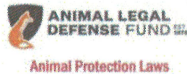
Maryland Overall Rank: #32 (Middle Tier)

- + **Wide range of care standards/requirements including food, water, shelter, care, and space**
- + **Veterinarians must report suspected animal cruelty, and have immunity for doing so**
- **No provisions for pre-conviction forfeiture of abused animals**
- **No felony provisions for animal neglect or abandonment**
- **Other agencies or departments are not required to report suspected animal cruelty**

ANIMAL PROTECTION LAWS

Page 13

Animal Protection Laws of Maryland



Animal Protection Laws

Substantive Provisions

1. Definition of "Animal"
2. General Prohibitions
3. Exemptions
4. Felonies & Misdemeanors
5. Seizure Authority
6. Spay/Neuter Requirements

Procedural Matters

7. Mandatory Penalties & Failure to Prosecute
8. Civil Enforcement & Remedies
9. Veterinary Provisions & Immunity
10. Law Enforcement Provisions
11. Seizure
12. Confiscation, Auction, Adoption Provisions
13. Prosecution Obstacles
14. Retention
15. Forfeiture & Possession Bans
16. Court-Ordered Treatment

Miscellaneous Provisions

17. Pet Care
18. Civil Penalties, Damages
19. Animal Sales
20. Breed-Specific Legislation

The Animal Protection Laws of Maryland compendium contains the general animal protection and related statutes for Maryland with an effective date on or before September 1, 2021.

DOWNLOAD

This chapter contains Alabama's general animal protection and related statutes with an effective date on or before September 1, 2021. It begins with a detailed summary of the provisions contained in these laws, followed by the full text of the statute themselves. The statute provisions are organized into categories with the relevant part of each statute bolded.

Alabama may employ similar provisions within other non-animal specific criminal and civil statutes; may have other more specific statutes in addition to those included; and may have a variety of animal-related regulations in effect. Because the laws are continually evolving, always check an official source for the most current language of any statute.

Animal Protection Laws of the USA (17th Edition)
© 2021 Animal Legal Defense Fund

Recent Victories

Companion Animals, Criminal Justice

Prosecution for Maryland Dog Freezing to Death

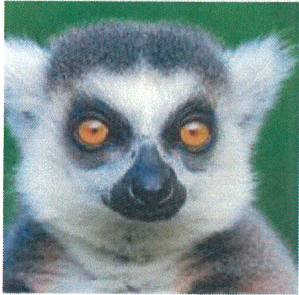
State of Maryland v. Selvin Robin Gnanakkan

The Animal Legal Defense Fund funded the necropsy of an elderly dog named Oscar, who died



sometime between December 30, 2017, and January 1, 2018, when he was kept outside of his owner's home in Baltimore County, Maryland, in 20-degree weather.

[Read More](#)



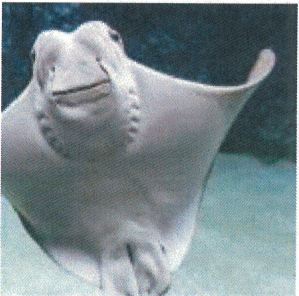
Captive Animals, Litigation

Challenging the Treatment of Captive Animals at Deer Haven Mini Zoo

Letter of Intent to Sue Filed

The Animal Legal Defense Fund announced its intent to sue Deer Haven Mini Zoo in Keymar, Maryland, for violations of the federal Endangered Species Act and state animal cruelty laws.

[Read More](#)



Wildlife, Legislation

Ending Cownose Ray Killing Contests (Maryland)

Cownose Ray Fishery Management Plan and Moratorium on Contests (SB 143/HB 213)

The Animal Legal Defense Fund was a member of a coalition supporting legislation to enact a moratorium on cownose ray killing contests in Maryland.

[Read More](#)

Take Action

Take action now to help animals in your state.

Baltimore Sun Op Ed_The cost of caring for abused

Uploaded by: Caroline Griffin

Position: FAV

The cost of caring for abused animals in Maryland should fall on their owners, not shelters | GUEST COMMENTARY

By CAROLINE GRIFFIN

FOR THE BALTIMORE SUN |

FEB 28, 2022 AT 12:50 PM

At long last, 2022 could be a banner year for animals, as the Maryland General Assembly appears poised to pass bills that would ban wildlife trafficking, prohibit declawing and protect pets in extreme weather. But despite the flurry of activity, one critical bill continues to languish: cost of animal care.

Annapolis must take meaningful action this session to hold defendants in animal cruelty cases financially responsible for their pets.

Animals seized in cruelty cases can live for months — and sometimes years — in shelters pending trial. These animals remain the property of the defendant and are also evidence. But unlike guns, drugs and paraphernalia that can be stored in an evidence locker, animals are sentient beings that must be housed, fed and cared for pending their owner's trial. Moreover, these animals often require significant veterinary care as a result of the neglect or abuse they've suffered. Maryland is one of only 12 states that has persistently failed to pass meaningful cost of care legislation that would require defendants to pay reasonable costs of care prior to trial. As a result, open admission shelters such as BARCS are saddled with these expenses, which are rarely reimbursed in full — if at all.

[House Bill 1062](#)/[Senate Bill 877](#) (“Animal Cruelty — Petition for Costs for Care of Seized Animal”) would remedy this inequity by allowing a shelter to petition a court for reasonable costs prior to trial. Maryland's Cost of

Care bill would require courts to hold prompt hearings, and petitioning shelters would be required to prove, by a preponderance of the evidence, that the seizure of an animal was justified, as well as show their expenses. The bill is also replete with due process protections for defendants. If granted, a judge could order a defendant to pay monthly costs to the clerk, limited to \$15/day, plus medical expenses, which would also be capped. Failure to pay these expenses would result in a forfeiture, allowing the shelter to adopt the animal into a loving home.

The American Bar Association, the nation's largest and most respected legal organization, has been urging states to enact cost of care legislation for a decade. In 2011, [ABA resolution 108B](#) recommended states pass legislation that would require defendants to post bonds or other security prior to trial, or alternatively, surrender their animals. This type of legislation is long overdue in Maryland.

Cost of care laws are common sense, equitable legislation that have passed constitutional scrutiny in courts around the country. Moreover, the procedure in these statutes mirrors what Maryland family law courts do every day. In divorce cases, a judge may order a noncustodial parent to pay child support *pendente lite* — prior to trial on the merits — as parents have an obligation to support their children, whether their children reside in their homes or not. Maryland's Cost of Care bill requires nothing more of individuals who *chose* to own animals and provides even greater protections for these owners. Defendants who do not wish to pay these expenses can simply surrender their animal to the shelter. Moreover, if a defendant has paid all expenses and is ultimately acquitted, a shelter must return the animal *as well as* all costs.

The Animal League Defense Fund [ranks Maryland only 32nd nationwide](#) (down from 31st in 2020), in terms of the strength of its animal protections laws, which is based on multiple criteria, including cost of care legislation. Maryland ranks far below all adjacent states: Pennsylvania, 15th;

Virginia, 17th; West Virginia, 20th; and Delaware, 23rd. HB1062/SB877 addresses a significant deficit in our statutes, protects pets and provides due process for their owners, and would provide greater uniformity in animal cruelty cases across Maryland.

While BARCS is a private nonprofit, most open-admission shelters are municipal shelters, whose taxpayers foot the bill for animal services in their jurisdiction. Unlike limited admission shelters, such as the Maryland SPCA, open admission shelters cannot turn animals away, and thus, face significantly greater burdens on their staffs and budgets. While some courts order restitution at the conclusion of an animal cruelty case, these orders are often not paid in full, if at all. It's time we stop saddling our hardest working animal shelters (to say nothing of taxpayers) with these expenses and allocate these expenses where they belong — on abusive pet owners.

Caroline Griffin (cag@carolineagriffin.com) is the former chair of the Baltimore Anti-Animal Abuse Advisory Commission and is the current Chair of the Maryland Spay/Neuter Advisory Board.

Written Testimony - Cost of Care SB877 (2022).pdf

Uploaded by: Caroline Griffin

Position: FAV

Senate Bill 877

TO: Members of the Senate Judicial Proceedings Committee

DATE: March 7, 2022

FROM: Caroline A. Griffin, Esq. *CAF*

RE: **SB 877 - Animal Cruelty – Petition for Costs for Care of Seized Animal**

POSITION: SUPPORT

Chairman Smith, Vice-Chair Waldstreicher, and Members of the Senate Judicial Proceedings Committee. My name is Caroline A. Griffin; I am an attorney and reside in Baltimore City. I currently serve on the Boards of the Animal Welfare Institute, Show Your Soft Side, Inc., and Days' End Farm Horse Rescue. I served as Chair of the Baltimore Mayor's Anti-Animal Abuse Advisory Commission from 2009 – 2013 and currently chair the Maryland Spay Neuter Advisory Board. I support SB 877 – Animal Cruelty – Petition for Costs for Care of Seized Animal.

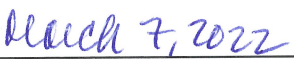
Maryland currently lacks meaningful cost of care legislation, resulting in a lack of uniformity throughout Maryland courts at sentencing. While judges in Baltimore City have been ordering defendants to pay restitution in animal cruelty cases for years, it is often not paid in full -- or at all. Enforcement of these orders is virtually non-existent, leaving ill-funded municipal shelters and non-profits "holding the bag."

A decade ago, the American Bar Association (ABA), adopted Resolution 108(B), *Guidelines Regarding Animal Seizures*, urging all federal, state, and local legislative bodies to adopt laws to ensure the efficient disposition of seized animals (copy attached). The ABA Resolution recommends that individuals whose animals are seized due to cruelty be required to pay reasonable costs (through a bond) or promptly surrender the animals to the custody of lawful authorities. The Resolution also urges a timely process to determine the disposition of animals, and restitution when costs are not covered. SB 877 is a commonsense and equitable bill that is long overdue. *See Exhibit 1.*

The Animal League Defense Fund ranks Maryland 32st nationwide in terms of the strength of its animal protection laws, which is based on multiple criteria, including cost of care legislation. Maryland ranks far below all adjacent states: Pennsylvania – 15th; Virginia – 17th; W. Virginia – 20th; and Delaware – 23rd. *See Exhibit 2.* SB 877 addresses a significant deficit in our current law, contains due process protections, and would provide greater certainty and uniformity to litigants. I urge the Committee to issue a favorable report.

Respectfully submitted,


Caroline A. Griffin, Esquire


Date

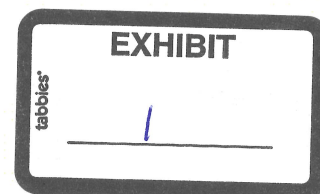
AMERICAN BAR ASSOCIATION
ADOPTED BY THE HOUSE OF DELEGATES
(108B)
GUIDELINES REGARDING ANIMAL SEIZURES

FEBRUARY 14, 2011

RESOLUTION

RESOLVED, That the American Bar Association urges federal, state, territorial, and local legislative bodies and governmental agencies to enact laws and implement policies to ensure the humane treatment and disposition of seized animals in a timely manner that:

1. Establish effective evidence collection and identification of each animal at the scene of the seizure;
2. Provide prompt and continuing veterinary attention for each animal as warranted by each animal's medical condition;
3. Establish a protocol for humane and appropriate confinement for the animals;
4. Provide that the person who has ownership or control of the animals at the time of the seizure must, consistent with due process requirements, post a reasonable bond or security or, in the alternative, promptly surrender the animals to the custody of the lawful authorities;
5. Utilize a timely process to determine the disposition of the animals and provide for prompt transfer to an appropriate rescue organization or adoptive home with humane euthanization occurring only if an animal's medical or behavioral condition warrants such action or it is determined, after reasonable time and effort have been expended, that no appropriate placement for an animal exists;
6. Provide that the localities and/or organizations caring for the animals be granted restitution for the costs incurred for the care of the animals not covered by a reasonable bond or security by any person who does not promptly surrender such animals.



AMERICAN BAR ASSOCIATION
REPORT TO THE HOUSE OF DELEGATES

(108B)

GUIDELINES REGARDING ANIMAL SEIZURES

FEBRUARY 14, 2011

<THIS IS THE DATE IT WAS ADOPTED...DO WE HAVE THE DATE IT WAS SUBMITTED?>

REPORT

Introduction

Recent seizures of animals have illustrated the challenges faced by authorities dealing with these cases. From high profile cases such as the allegations in the Michael Vick/Bad Newz Kennels case in 2007 and the July 2009 multi-state seizure by federal authorities of hundreds of dogs in the Midwest relating to dog fighting to hoarding and cruelty cases prosecuted by state and local authorities, the seizure of animals occurs on a daily basis.

Potential defendants and the animals are benefited when there is an efficient process in place that provides for the humane treatment and disposition of seized animals.

Evidence Collection and Identification of Animals

This recommendation calls for effective evidence collection and identification of each animal at the scene of a seizure. In large-scale seizures multiple agencies and organizations may be involved in the collection of the animals. It can be a chaotic situation and the amount of evidence that must be collected can be overwhelming.¹ It is imperative for the protection of the integrity of any future criminal process and to sustain the applicable burden of proof that the evidence documenting the scene be preserved.² As with any case, the chain of custody of all evidence collected should be maintained.³ Evidence collection at a scene involving animals will mirror other potential crime scenes. For example, photographs and video should be taken at the scene to document the conditions the animals were found in and the animals themselves.⁴ Each animal should be examined to determine whether there is evidence on the animal and to document the animal's condition.⁵ As an example, the body of an animal (including the animal's teeth or nails) can be examined for DNA evidence.⁶ Any scars or injuries on the animal should be documented and the body condition of each animal should be determined.⁷

¹ MELINDA D. MERCK, DVM, VETERINARY FORENSICS: ANIMAL CRUELTY INVESTIGATIONS 21 (2007) (describing animal cruelty crime scenes). In the July 2009 multi-state raids for dog fighting there were twenty-nine crime scenes to process with over 200 animal specialists and volunteers to coordinate. Sara Shepard, *Forensic Veterinarians Help Take a Bite Out of Dogfighting*, GAZETTE-

MAIL (Charleston, WV), Aug. 8, 2009, at 9A.

² It is important to note that even if initially the expectation is that any charges may be limited solely to the treatment of the animals, evidence of other crimes may be found at the scene.

³ MERCK, *supra* note 1, at 36.

⁴ MERCK, *supra* note 1, at 21 (describing the types of photographs and video that should be taken at the scene).

⁵ MERCK, *supra* note 1, at 20 (discussing the need to record initial observations as the status of the animal can change after arrival at a veterinary facility).

⁶ MERCK, *supra* note 1, at 66 (discussing the collection and uses of DNA evidence).

⁷ MERCK, *supra* note 1, at 40 (discussing body condition scoring and other aspects of the exam documenting the condition of an animal).

In investigations involving animals, it is often useful to have a veterinarian assist investigators at the scene. The field of veterinary forensics is developing rapidly, and similar to other potential crime scenes, a veterinarian can determine the time of death of any recently deceased animals, or preserve evidence of any decomposing animals.⁸ The number of professionals that are trained in veterinary forensics is growing with programs such as the Veterinary Forensic Sciences Program at the University of Florida providing on-site as well as on-line training.⁹ Having specially trained personnel is ideal but much of the evidentiary process applicable to other crimes will carry over to crimes involving animals.

Each animal should be identified at the scene in a way that will carry through any future proceedings. Usually this is done through an identification number.¹⁰ The animal can be photographed with the identification number or can be fitted with an identification band (if doing so would not interfere with veterinary treatment or the care of the animal). To avoid confusion, it is best if there is consistent numbering of the animals collected at the scene and carried over upon intake if the animals are being sent to multiple facilities.

While it may not be feasible to microchip each animal upon intake, if any animal is transferred outside of the initial intake facility, microchipping can ensure that there is no question that the animal is the one involved in the case.¹¹

Veterinary Attention

This recommendation calls for prompt and continuing veterinary attention for each animal as warranted by each animal's medical condition. As discussed above, ideally a veterinarian will be part of the team on site at the seizure and would participate in the collection of evidence. A veterinarian should also be part of the team to provide immediate veterinary care for any animal in distress on site. It is the responsibility of the authority with custody of the animals to preserve the evidence – which includes the animals themselves.¹² Preserving the evidence includes providing continuing veterinary care to the animal to ensure that the animal's health does not deteriorate while in the custody of the relevant authorities.

⁸ MERCK, *supra* note 1, at 19-30.

⁹ See also International Veterinary Forensic Sciences Association, www.ivfssa.org (last visited April 5, 2010) (describing the association and opportunities for training in veterinary forensics). ¹⁰ Rebecca J. Huss, *Lessons Learned: Acting as Guardian/Special Master in the Bad Newz Kennels Case*, 15 ANIMAL L. 69, 78 (2008) (discussing the use of kennel numbers for official correspondence and court documents and describing how the dogs in the case were provided with a “call name” to distinguish each dog as an individual during the time the dogs were being evaluated prior to final disposition).

¹¹ For example, sixteen dogs that were housed in foster homes before the final judicial order in the Bad Newz Kennels case were microchipped prior to each animal's release from the animal control facilities.

¹² MERCK, *supra* note 1, at 7

The medical condition of an animal can also impact an animal's behavior. Ensuring that animals are maintained in or restored to good health allows for a more accurate determination of an animal's behavioral status.

Humane and Appropriate Confinement

This recommendation calls for humane and appropriate confinement of the animals after the seizure. According to the National Animal Control Association Training Guide usually, after a seizure, the animals will be transported to the seizing officer's animal welfare agency. The animal welfare agency is responsible for the care and treatment of the animals.¹³

The most common places where animals from a mass animal seizure are housed initially include: (a) local and regional humane societies or SPCAs, (b) local and regional animal control and services agencies, (c) other private area animal shelters or rescue organizations, (d) veterinary clinics and hospitals, (e) local fairgrounds, (f) local equestrian centers and ranches, and (f) at the crime scene itself.

Timely transfer of the animals from shelters to foster homes as appropriate is beneficial for the animals. In the *Bad Newz Kennels* case sixteen of the dogs were transferred from shelters to foster homes after the civil forfeiture process was complete but prior to final disposition of the dogs. It was extremely positive for the dogs to be out of the shelter environment and in homes. The transfer reduced the burden on the Virginia shelters that had been caring for the dogs since the time of the seizure and reports from the foster homes provided valuable information for the guardian/special master who was making a recommendation on the disposition of the dogs.¹⁴

Posting of Bond or Security or Surrender of Animals

This recommendation calls for a more efficient and effective way to treat the property seized in these cases. Animals are by their nature different than guns, money, or property seized as a result of other crimes. Because the property in these cases is a living being, the authorities and the courts must treat them differently. In recent years a number of states, through their legislative processes, instituted bonds or mandatory surrender of the animals in these cases.¹⁵ These new bond provisions were created out of necessity because animals were literally waiting in shelters for one to two years for the trial process to end. The best of these laws ensure that an adequate bond is posted for a reasonable amount of time (nine months). Also, if the person charged does not agree to post the bond, then he or she is required to surrender the animal. In the event the person is found not guilty, they would be reimbursed for the cost of the property or the amount of the

¹³ NATIONAL ANIMAL CONTROL ASSOCIATION TRAINING GUIDE 6 (John Mays ed. 2009).

¹⁴ Huss, *supra* note 10, at 78-79.

¹⁵ 510 ILL. COMP. STAT. 70/3.04-3.06 & 720 ILL COMP. STAT. 5/26 (2009); VA. CODE ANN. 3.2-6571 & 3.2-6569 (2009).

posted bond.¹⁶ It is imperative that the prosecutors request a bond when the seizure hearing is held.¹⁷

Timely Process to Determine the Disposition of the Animals

This recommendation calls for a timely process to determine the disposition of the animals and for prompt transfer of the animals to an appropriate rescue organization or adoptive home. The judge has the ultimate disposition power. In a recent case U.S. District Judge David Lawson in Detroit granted the Humane Society of Kent County custody of eleven pit bulls seized in a dog-fighting bust, a ruling expected to make the animals eligible for adoption. The decision ended the Eastern District of Michigan's U.S. Attorney's Office bid to euthanize the dogs seized last summer after agents broke up a dog-fighting ring in eastern Michigan.¹⁸

The evaluation of a victim of cruelty is an organic process, one that changes over time. Animals vary widely in their resiliency or sensitivity to stressful or traumatic situations.¹⁹ Behavioral assessment of animals that have been victims of cruelty can serve several purposes. First, such an evaluation helps to provide an overall picture of the animal's health, with an emphasis on determining behavioral health rather than the presence of a specific behavior problem. Such an assessment can be helpful in evaluating the consistency of accounts explaining the animal's injuries. For example, an allegation that a dog was struck or kicked because she responded aggressively when gently petted would be called into question if the animal responded nonaggressively to handling by a variety of people.

Second, such an evaluation can help assess the likelihood that the animal will be able to recover behaviorally, as well as physically, from the effects of abuse. This may be necessary in cases where animals have been seized from an animal hoarder, puppy mill, or dog-fighting situation.

Every effort should be made to place the animals. Humane euthanasia should be a last resort only if the animal's physical or behavioral condition requires such action. If suitable housing for the animals is limited, a behavioral assessment may need to be part of the triage procedure for deciding which animals would benefit most from the limited resources available to rehabilitate and re-home them.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Paul Egan, *Judge Spares Dogs Rescued in Fight Probe*, DET. NEWS, Mar. 10, 2010, at A3.

¹⁹ LESLIE SINCLAIR, DVM et al., FORENSIC EVALUATION OF ANIMAL CRUELTY: A GUIDE FOR VETERINARY AND LAW ENFORCEMENT PROFESSIONALS 68 (2006). See also Robert Patrick, *Sweet Success After Dog Raid: Humane Society Expects to Save 60 Percent of Animals Seized in Area*, ST. LOUIS POST DISPATCH, Nov. 26, 2009, at A1 (discussing the results of the evaluation of the dogs seized as part of the July 2009 multi-state raids for dog fighting and the fact that the percentage of dogs expected to be saved is much higher than predicted).

Behavioral evaluations have been used in a myriad of cases including the Bad News Kennels case and the largest dog fighting bust in United States history that occurred in 2009. In the 2009 case teams of animal behavior experts from across the nation assessed more than 500 dogs seized from alleged dog-fighting operations in Missouri, Illinois, Oklahoma, Texas, Mississippi, Iowa, and Nebraska.²⁰

Restitution

This recommendation calls for effective compensation to the localities and/or organizations caring for the seized animals. In many animal cruelty and animal fighting busts the animals are in extremely poor condition at the time of the seizure. The animals must be given proper medical care to maintain them prior to resolution of the case. Many of these animals had never received adequate or any veterinary care. Thus, providing the proper care upon seizure becomes important and costly.²¹ In order for localities and/or organizations to recoup their costs for the daily care and veterinary expenses incurred while maintaining these neglected and abused animals, the prosecutor must ask for restitution at sentencing.²² The restitution should cover the daily expense of caring for the animal at the shelter or other location²³ and also any veterinary expense incurred in treating the animal's injuries.²⁴ If the person has posted a bond, the bond should be

²⁰ *More than 400 Pit Bulls Seized*, WICHITA EAGLE (Kan), July 23, 2009, available at 2009 WLNR 14250021 (discussing the evaluation of the dogs).

²¹ Ian Urbina, *Animal Abuse as Clue to Additional Cruelties*, NEW YORK TIMES, Mar. 18, 2010, at A16 (reporting that the estimated cost of rescuing and caring for 170 dogs from a hoarder's home in Franklin County, Ohio was \$1.2 million); see also *Shelter Seeks Help with Rescued Ribera Dogs*, SANTA FE NEW MEXICAN, June 7, 2009, available at 2009 WLNR 10959246 (reporting that the estimated costs for caring for forty-two dogs rescued from an alleged hoarder would likely exceed \$40,000); Dawn Gagnon, *Animal Care Tops \$50,000*, BANGOR DAILY NEWS, Oct. 3, 2007, at 6 (reporting on the costs of caring for twenty dogs removed from their owner); Anne Paine, *Some Neglected Tennessee Horses Find Greener Pastures*, THE TENNESSEAN (Nashville, TN), Dec. 22, 2009, available at 2009 WLNR 25727798 (reporting the cost of care of eighty rescued horses at \$250,000); Keren Rives, *Man Pleads Guilty to Dog Fighting: Sentences to Two-Year Probation*, TIMES-NEWS (Burlington, NC), Mar. 11, 2010, available at 2010 WLNR 5177388 (reporting on order to pay restitution in the amount of \$16,000 for the costs incurred by the city of Burlington, although the estimated costs incurred to date was \$41,548).

²² VA. CODE ANN. 3.2-6570 (2009).

²³ Christine Clarridge, *600 Rescued Dogs and 80% are Pregnant*, THE SEATTLE TIMES, Jan. 24, 2009, available at 2009 WLNR 1422209 (illustrating that the cost associated with seizures can skyrocket for local shelters charged with caring for the seized animals).

²⁴ Abby Simons, *Shih Tzu Rescue Seeks Public's Help with Dogs*, STAR TRIB. (Minneapolis, MN), Nov. 14, 2009, at 02B (discussing the cost of veterinary care for eight dogs, still remaining at Minneapolis Animal Care and Control, who were seized from an individual charged with misdemeanor animal cruelty).

ordered to be used in providing the restitution. If the bond does not cover the amount of the restitution, the prosecutor should ask the court to order that full restitution be paid.²⁵

Conclusion

The Tort Trial and Insurance Practice Section urges adoption of this recommendation calling for all federal, state, territorial, and local legislative bodies and governmental agencies to adopt laws and polices to ensure the humane treatment and timely disposition of seized animals.

Respectfully submitted, Jennifer Busby, Chair
Tort Trial and Insurance Practice Section
February 2011

SB877_FAV_HSUS.pdf

Uploaded by: Jennifer Bevan-Dangel

Position: FAV



**THE HUMANE SOCIETY
OF THE UNITED STATES**

March 8, 2022

Judicial Proceedings Committee

SB877

Criminal Law – Animal Cruelty – Petition for Costs for Care of Seized Animal

FAVORABLE

The Humane Society of the United States, on behalf of our members and supporters in Maryland, urge a favorable report on SB877, which clarifies and expedites the legal process to determine the disposition of animals seized in Maryland animal cruelty and fighting cases and ensures that the animals' owner – not our taxpayers – cover the costs of caring for lawfully seized animals.

The legislation is needed to address issues in current law that were made clear in the 2017 case *Daniel Rohrer v. Humane Society of Washington County*, where 39 animals were seized in a case of extreme animal neglect in Washington County. The Maryland Court of Appeals noted the lack of a workable civil procedure to determine the disposition of the seized animals before the resolution of the criminal case. The court wrote, "The statute provides no explicit guidance as to the standard by which a petition should be decided, or even who has the burden of proof." Further, they explain, "the District and Circuit Court understandably felt at a loss for what standard to apply to decide the petition, as the statute is not explicit."

The bill before you addresses the concerns articulated by the Maryland Court of Appeals by clarifying the petition process for resolving the disposition of animals seized in Maryland animal and cruelty cases. Importantly, the bill creates a civil hearing procedure, separate from the criminal trial, in which a judge determines whether there is sufficient evidence of animal cruelty to require the owner to pay a bond for the reasonable costs of caring for his/her animal while the criminal case is adjudicated. If the owner fails to post the bond, the animal is relinquished to the seizing authority so that the animal may be adopted into a loving home. The owner can voluntarily relinquish the animal at any time and be absolved of financial responsibility.

Large-scale cruelty cases, such as puppy mill, dogfighting or hoarding cases, can involve the seizure of dozens or even hundreds of animals. These cases often take months, or even years,

to go to trial. Due to gaps in current law, and particularly those identified by the Court in the Rohrer case, seized animals must remain in the care of Maryland shelters for long periods of time, resulting in trauma for the animals and significant cost to our agencies and taxpayers.

This committee has been grappling with these issues for years and came close to resolving this problem in 2019. However, the bill that passed in 2019 kept the process as a retroactive procedure that occurs at the judge's discretion at the conclusion of the case. Consequently, the abused animals remain in legal limbo until the outcome of the criminal case and the bill did not provide the structural fix to Maryland's laws that is needed to protect our animals, pet owners, and taxpayers. Moreover, restitution, as the 2019 law permits, is a wholly inadequate substitute for this legislation's core requirement that shelters be allowed to collect reasonable, court-approved costs of care "in real time." Convicted animal cruelty offenders generally have little incentive or ability to pay the costs of care that accumulate over the months or years their animal has stayed in a shelter's custody during the cruelty case's pendency.

The legislation at issue today resolves this problem by allowing a shelter the opportunity to request the costs of caring for the animal during, not after, the criminal case. If the court agrees that the owner should pay but doesn't, the shelter can assume ownership of the animal and adopt the animal into a new loving home, significantly shortening the animal's shelter stay.

Moreover, the due process protections embedded in the current statute and the proposed law will help ensure that owners' rights are preserved while also, crucially, protecting animals from harm. First, it allows the owner to challenge the legality of the animals' seizure and the reasonableness of the bond requested. It also requires the seizing agency to demonstrate by a preponderance of the evidence that the animals were lawfully seized, so that no owner will unfairly be required to pay costs of care. And it also ensures that an owner who is acquitted will be repaid for any costs of care that they expended.

A majority of states in the country have effective laws to address the cost of caring for animals seized in cruelty cases. It is unacceptable for Maryland, which has an exemplary record on animal protection, to be in a minority of states that has no robust process to address the cost of caring for animals seized in cruelty cases. This form of "cost of care" legislation has been endorsed by the National Sheriffs Association, the American Bar Association, the Association of Prosecuting Attorneys, the Association of Shelter Veterinarians, the National Animal Control Association, the Animal Legal Defense Fund, and the American Society for the Protection of Animals. Someone has to pay the cost of caring for neglected and abused animals and, with effective due process protections, that cost should fairly be the responsibility of the owner – not the taxpayer.

This bill's passage is long overdue. It offers a fair and comprehensive solution to the issues discussed above and employs a procedure that has been proven successful in more than 40 states. For these reasons, we respectfully urge a favorable report on SB877.

*For more information contact Jennifer Bevan-Dangel, Maryland State Director
jbevandangel@humansociety.org | C 410-303-7954*

Criminal Law – Animal Cruelty- Petition for Costs

Uploaded by: Lisa Radov

Position: FAV



MARYLAND VOTES FOR ANIMALS

PO Box 10411
BALTIMORE, MD 21209

March 8, 2022

To: Senate Judicial Proceedings Committee
From: Lisa Radov, President and Chairman, Maryland Votes for Animals, Inc.
Re: Criminal Law – Animal Cruelty- Petition for Costs of Care of Seized Animal- SB 877
-Support

Chairman Smith, Vice Chairman Waldstreicher, members of the Judicial Proceedings Committee, thank you for the opportunity to testify before you today. My name is Lisa Radov and I am the President and Chairman of the Maryland Votes for Animals, Inc. We champion legislation to improve the lives of animals in Maryland. On behalf of our board of directors, as well as the thousands of members of Maryland Votes for Animals, I respectfully ask that this committee vote favorably for Criminal Law – Animal Cruelty- Petition for Costs of Care of Seized Animal- SB 877.

I would like to take this opportunity to thank Senator Ready, who for years was both a sponsor of this legislation and a member of JPR for so graciously passing along this important bill to Vice Chair Waldstriecher.

This bill establishes procedures to authorize an officer, agent of a humane society, a police officer, or certain other public official to recover reasonable costs of care from the owner or custodian of a certain seized animal. Most states *already* have costs of care laws, including Pennsylvania, Virginia, Delaware, and West Virginia. SB 877/HB 1062 provides relief for animal control agencies and shelters facing fiscal challenges, as well as Maryland taxpayers, who should not be financially responsible for the animals seized in a cruelty case. Additionally, this bill allows for those seized animals, if determined by their owner to be too much of a financial burden, to be adopted into loving homes – instead of waiting months or years – for the case to be decided.

How often do we get to pass legislation that is both compassionate and fiscally responsible? *This bill is both.* By establishing a uniform system, all parties, including the accused, the animals, and the animal control agencies are protected.

I would like to thank Senator Waldstreicher for his sponsorship of this bill and urge a favorable report.

SB 877 criminal law animal cruelty petition for co

Uploaded by: Patty Crankshaw-Quimby

Position: FAV



**Maryland's Association of Animal Care and Control
Agencies and Humane Societies**

**PO Box 1143
Easton, Maryland 21601**

**SB 877 Criminal Law - Animal Cruelty - Petition for Costs for Care of Seized Animal
Maryland Senate Judiciary Proceedings Committee
Favorable**

March 2, 2022

Dear Honorable Chairman Smith, Vice Chair Waldstriecker and members of the committee:

Professional Animal Workers of Maryland, the state organization comprised of animal control agencies and humane societies unanimously stands in support of **SB 877 Criminal Law – Animal Cruelty – Petition for Costs for Care of Seized Animal**.

Animals are property in the state of Maryland. Unlike a vehicle, money, weapons, or other items which may be seized during the investigation of a crime and can be stored in an impound lot or a locker, animals need daily and costly care. Large-scale cruelty cases, such as puppy mill, dogfighting or hoarding cases, can involve the seizure of dozens or even hundreds of animals. These cases often take months, or even years, to go to trial, often leaving animals in limbo and in the care of our agencies and organizations. *As of March 1, 2022 there are more than 245 animals sitting in Maryland shelters awaiting trial or appeal, and the cost of their care is on the taxpayer.*

The current process in Maryland does not account for this issue. Even when restitution is ordered at sentencing, all too often these fees are not paid, and the cost of care of these animals continues to land in the laps of the taxpayers, not the owner/custodian of the animal(s). Several agencies in our state have presented you with examples on specific cases where the absence of a clear law has failed the animals and taxpayers of Maryland. We believe this bill provides protections for both owners and agencies.

- This bill makes it clear the points at which an owner might forfeit ownership of an animal. It also creates a civil hearing procedure, separate from the criminal trial, in which a judge decides whether there is sufficient evidence of animal cruelty to require the owner to pay a bond for the reasonable costs of caring for his/her animal until the criminal case is heard. If the owner does not post the bond, the animal is relinquished to the seizing authority. The owner can voluntarily relinquish the animal at any time and be absolved of financial responsibility.
- Additionally, this bill includes protections for owners. It allows the owner to challenge the legality of the animals' seizure and the reasonableness of the bond requested. It also requires the seizing agency to show by a preponderance of the evidence that the animals were lawfully seized, so that no owner will unfairly have to pay costs of care. And it also ensures that an owner who is acquitted will be repaid for any costs of care that they expended.

We wish to make clear this bill refers to cases where violation(s) of the Maryland Annotated Code have been allegedly committed and which rise to the level requiring seizure of the animal(s). Violations of jurisdictional laws such as animals running at large which are impounded as stray or other infractions have administrative remedies at the local level which often include fines and fees.

Maryland is in the minority of states lacking a clear process to address the cost of caring for animals seized in cruelty cases. This clarification in the state law is needed to protect owners, agencies, and animals in Maryland. Professional Animal Workers of Maryland respectfully requests a favorable vote on **SB 877 Criminal Law – Animal Cruelty – Petition for Costs for Care of Seized Animal.**

Please feel free to contact me with any questions or concerns.

Sincerely,

Patty Crankshaw-Quimby

Executive Director/Chief Animal Control Officer: Talbot Humane/ Talbot County Animal Control
President: Professional Animal Workers of Maryland

SB 877 - MoCo_Morningstar_FAV (GA 22).pdf

Uploaded by: Sara Morningstar

Position: FAV



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 877

DATE: March 8, 2022

SPONSOR: Senator Waldstreicher

ASSIGNED TO: Judicial Proceedings Committee

CONTACT PERSON: Sara Morningstar (sara.morningstar@montgomerycountymd.gov)

POSITION: SUPPORT (Montgomery County Office of Animal Services)

Criminal Law – Animal Cruelty – Petition for Costs for Care of Seized Animal

Senate Bill 877 would amend the Criminal Law Article to establish procedures to allow an authorized animal services official or agent of a humane society to petition the District Court to order the owner or custodian of an animal that has been seized to protect it from cruelty to pay for the reasonable costs of the animal's care. Montgomery County Office of Animal Services supports this legislation.

Animal seizure cases can involve large numbers of animals making the costs of care extremely burdensome for animal shelters (both municipal and non-profit) that are required to absorb these costs of care, including veterinary costs, while awaiting court hearings. This legislation is necessary to help shelters meet the care needs of animals subjected to cruelty and abuse including costs of veterinary care that can become increasingly more expensive over an extended period. Additionally, because an animal services official or humane society agent is required to meet the burden of proof for seizing the animal in the first place, it is reasonable to assume that the evidence would be strong enough against the animal's owner to allow the Court to impose costs of care on the defendant while they await judgment on criminal charges.

Cases in Montgomery County where the seizure of large numbers of animals were held for extended periods of time until the Court rendered a decision include:

1. Rescue Agency, 66 dogs. Seized 1/1/16, charged 1/21/16, convicted 5/24/16. 144 days of care;
2. Cockfighting Operation, 100 roosters. Seized 11/21/19, charged 11/26/19, convicted 10/26/20. 340 days of care;
3. Cat hoarder, 125 cats (at two locations). Seized 7/15/18, charged 8/1/18, convicted 11/19/18. 127 days of care; and
4. Cockfighting/Dogfighting operation, 8 dogs, 61 roosters (at two locations). Seized 3/18/16, charged 7/19/16, convicted 6/2/17. 441 days of care.

The Montgomery County Office of Animal Services supports SB 877 and would urge the Committee to adopt a favorable report.

testimony - cost of care 2022 - Senate.pages.pdf

Uploaded by: Jane Seigler

Position: FWA



MARYLAND
HORSE
COUNCIL

P.O. Box 606 | Lisbon, Maryland 21797
www.mdhorsecouncil.org

One Common Bond: The Horse
One Common Voice: The Horse Council

Testimony of the Maryland Horse Council on
**SB 877 - Criminal Law - Animal Cruelty - Petition for Costs for Care of Seized Animal:
Favorable with Amendments**

Hearing before the Senate Judicial Proceedings Committee,
March 8, 2022

The Maryland Horse Council (MHC) is a membership-based, umbrella trade association of the entire horse industry in Maryland. Our membership includes horse farms and stables, horse-related businesses, and horse owners, representing all facets of the Maryland equestrian community, from the owners of race horses to the owners of trail horses or just beloved retired companion horses. As such, we represent over 30,000 Marylanders.

MHC has long been aware that the statute establishing the process to be followed upon seizure of allegedly abused or neglected animals is sorely lacking in structure, transparency, clarity and, to a large extent, due process. The current animal abuse and neglect seizure law (Criminal Law Section 10-615) provides too little guidance or structure to courts, law enforcement, and animal control authorities. We have engaged in extensive discussions with the Humane Society of the United States (HSUS), and we believe that this bill represents a significant improvement over existing law. There remain a few areas, however, in which we think the bill can be further improved.

We understand from HSUS that many owners do not seek the return of their animals after seizure. We believe, however, that in many - if not most - cases, this failure to exercise a right to challenge the seizure and request the return of their animals may stem from a simple lack of awareness of their rights and of how to invoke them. We therefore request an amendment that information about the right to seek return, and of the steps necessary to invoke that right, be included in the notice of seizure:

§10-615 (d)(1):

(d) (1) A person who [removes] SEIZES an animal under subsection (c) of this section shall notify the animal's owner or custodian BY PERSONAL SERVICE OR CERTIFIED MAIL WITHIN 24 HOURS of:

- (i) the [removal] SEIZURE; [and]
- (ii) any administrative remedies that may be available to the owner or custodian, and
- (iii) the right, if an administrative remedy is not available, to petition the court for the return of the animal, as provided in §10-616(d)(2), with instructions on how to invoke that right.

Seized animals are often kept by the seizing agency, or the rescues with which they contract for their care, for extended periods, while the case against the owner proceeds. The bill now provides for the Court to consider alternative dispositions of the animal during the initial

hearing immediately after the seizure. This provision gives the Court the opportunity to save the rescues (and the taxpayers), as well as the owner, from the burden of the costs of care, if, for example, the possession of the animal could be transferred to a willing caretaker. We believe that it also makes sense for the Court to be able also to re-visit, at some point down the road, not only whether the cost of care payments should be adjusted (as the bill provides), but also whether the Court can once again consider alternative dispositions of the animal, or return to the owner. Therefore, we are requesting this amendment:

§10-615.1(G)(5)(i):

(5)(I) THE COURT, ON MOTION BY A PETITIONER OR THE OWNER OR CUSTODIAN, AND AFTER NOTICE AND A HEARING CONSISTENT WITH THIS SECTION, MAY DETERMINE WHETHER THE CONTINUED POSSESSION BY THE PETITIONER IS WARRANTED OR ADJUST THE AMOUNT OF COSTS OF CARE.

We are unable to determine the logic behind the bill's provision in §10-615.1(G)(2)(iv) that UNLESS THE PROCEEDING INVOLVES NOT MORE THAN TWO ANIMALS AND THE ONLY CHARGES ARE NEGLECT, THE ABILITY TO PAY BY THE OWNER OR CUSTODIAN MAY NOT AFFECT THE COURT'S DETERMINATION AS TO THE AMOUNT OF THE REASONABLE COSTS OF CARE.

An owner who cannot afford the cost of care of two animals surely cannot afford the cost for more than two. We think this provision should be struck. The Court should have freedom to consider the totality of the circumstances in these hearings.

Finally, we believe that a technical correction is necessary to make sure that all instances of forfeiture are included when the cost of care order is terminated. Therefore, we offer this amendment to §(I)(1):

§(I)(1) A COURT ORDER FOR COSTS SHALL TERMINATE IF:

- (I) THE OWNER OF THE ANIMAL SURRENDERS ALL RIGHTS TO THE ANIMAL;
- (II) THE ANIMAL IS FORFEITED TO THE PETITIONER UNDER §§ 10-615(E), 10-615.1(G)(4), or 10-615.1(L) OF THIS SUBTITLE; OR
- (III) THE ANIMAL DIES OR IS EUTHANIZED.

With these amendments, MHC would support SB 877.

Respectfully submitted,

The Maryland Horse Council
844-634-6773

SB 877 - Costs of Care Testimony - 3.7.22.pdf

Uploaded by: Charles Hall

Position: UNF



**AMERICAN
KENNEL CLUB®**

February 22, 2022

American Kennel Club Testimony on SB 877 – Petition for Costs for Care of Seized Animal

Chair Smith, Vice Chair Waldstreicher and Members of the Senate Judicial Proceedings Committee:

The American Kennel Club (AKC) provides this written testimony on behalf of our 78 Maryland dog clubs and thousands of constituent dog owners in Maryland.

AKC strongly believes that those who treat animals in a cruel manner should be held accountable and punished accordingly. Current Maryland law clearly defines cruelty and appropriate penalties. However, Senate Bill 877 ignores the basic right of innocent until proven guilty and could cause an owner to permanently lose their animals if they miss one payment for care during the trial – even if charges are dropped or they are found not guilty.

As introduced, AKC opposes the bill and seeks amendments that address the following concerns:

1. Our main concern is the potential loss of animal ownership for failure to make a payment for cost of care for an owner who is ultimately found not guilty of the charges.
2. The bill limits a judge from considering the owner or custodian's ability to pay when considering the cost of care and filing fees unless the proceeding involves less than two animals and the only charges are neglect. The owner or custodian will be required to make payments as required by the order. If they fail to do so the animal shall be automatically forfeited, and the authorized agent shall obtain all rights to the animal.
3. There is no limitation to veterinarian care. As such, language needs to be added that states that alteration (such as sterilization) is allowed only if medically necessary. This is especially important if the owner or custodian is ultimately found not guilty.

We greatly appreciate the language that enables an owner found not guilty to repossess their animal and have their money returned if all costs ordered to be paid have been done so in a timely manner. However, under section G 4 it states:

IF AN OWNER OR A CUSTODIAN FAILS TO TIMELY PAY ANY OF THE AMOUNTS ORDERED WITHIN 30 CALENDAR DAYS:

- (I) **THE SEIZED ANIMAL FOR WHICH REASONABLE COSTS OF 24 CARE WERE ORDERED SHALL BE AUTOMATICALLY FORFEITED, BY OPERATION OF LAW, TO THE PETITIONER; AND**
- (II) **THE PETITIONER SHALL OBTAIN ALL RIGHTS AND PRIVILEGES IN AND OVER THE ANIMAL.**

This section would seem to deny that same owner who is found not guilty the ability to have their animals returned simply because they failed to make timely payments. We respectfully ask that this be clarified. AKC believes that if an individual is not guilty, their animals should be returned to them as they were, and they should

continue to be the owner of the animal.

While we understand the concerns this proposal seeks to address, Senate Bill 877 simply does not allow a person to be innocent until proven guilty. In particular, the bill disproportionately punishes those with low or fixed incomes who may not be able to pay the charges throughout an ongoing trial process which can often drag on for months.

The AKC strongly supports the humane treatment of dogs and believes that no dog or animal should be kept in cruel circumstances. We agree that those *convicted* of animal cruelty should be held accountable, including paying for the costs of caring for the animals they mistreated. However, AKC continues to be concerned that Senate Bill 877 will have detrimental effects on animal owners whose animals are unjustly seized, who are found not guilty, or against whom charges are dismissed.

Thank you for reviewing and considering my testimony.

A handwritten signature in black ink that reads "Charley Hall". The signature is written in a cursive, slightly slanted style.

Charley Hall
Legislative Analyst/Community Outreach Coordinator
American Kennel Club
8051 Arco Corporate Drive, Suite 100, Raleigh NC 27617
t: 919-816-3971 | e: charles.hall@akc.org

sb877.pdf

Uploaded by: Sara Elalamy

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
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 877
Criminal Law – Animal Cruelty – Petition for Costs for Care of
Seized Animal
DATE: February 16, 2022
(3/8)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 877. This bill relates to the seizure of animals as part of animal cruelty prosecutions.

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.

In addition, the bill states that an order for payment of costs shall terminate if the owner surrenders rights to the animal, the animal is forfeited to the petitioner or the animal dies or is euthanized. The bill does not explain who is to monitor the status of the animal for purposes of potentially terminating the order.

Finally, this bill could force a defendant in an animal cruelty case to participate in a civil case concerning the same subject matter, thereby risking the defendant's constitutional rights in the criminal case if he or she attempts to defend fully the civil case. Specifically, Criminal Law § 10-615(b) and (c) allow, in certain circumstances, an animal to be seized before a defendant is convicted of an act of animal cruelty. This bill allows the seizing person to file a petition for reasonable costs of caring for the animal. Soon after the petition is filed, the court must hold a hearing and decide whether the seizure of the animal was warranted. That determination would require that the court look at evidence that will likely be critical in a related animal cruelty criminal case. As a result,

the animal owner may have to risk presenting evidence in the civil case, including testifying in the civil case, that may later harm the defendant in his or her criminal case, or else be faced with a judgment for the cost of caring for the seized animal.

cc. Hon. Jeff Waldstreicher
Judicial Council
Legislative Committee
Kelley O'Connor